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1856
Vol. I

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SELECTIONS

FROM THE

RECORDS OF THE GOVERNMENT,

NORTH WEST PROVINCES.

MR. THOMASON'S DESPATCHES.

VOL. I.

CALCUTTA:
PRINTED BY J. THOMAS, AT THE BAPTIST MISSION PRESS.
1856.

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PREFACE.

The collection of his Minutes and Despatches, from which the series contained in this volume has been taken, was selected by the late Lieut.-Govr. N. W. P., Mr. Thomason, for private use and reference during his administration. It is thought that the issue, in an accessible form, of these valuable papers, which embrace all branches of the Civil Government of this part of India, will be an important general benefit, as conveying an authentic exposition of the principles on which existing rules and institutions have been established, and as a permanent source of information and aid in the future course of public measures. The publication is, therefore, made by official authority, though not, of course, as giving the weight of present official sanction to all the opinions or directions intimated in the papers.

By order of the Hon'ble the Lt.-Govr.

W. Muir,

Secy. to Govt. N. W. P.

Head Quarters, Nynee Tal, 9th August, 1855.

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DESPATCHES AND MINUTES

OF THE LATE

THE HONORABLE JAMES THOMASON.

No. 1.

CUTTING TREES FOR ELEPHANTS.

Letter to Military Board about Cutting Trees for Elephants.

No. 1.

To the Military Board, Calcutta,

Dated the 11th January, 1844.

GENTLEMEN,

SECRET DEPARTMENT.—I am directed by the Hon'ble the Lieutenant-Governor to acknowledge the receipt of your letter No. 1803, dated 30th November last, regarding prohibitory orders issued by the Magistrate and Collector of Agra against the grazing and cutting of fodder for the public cattle, and in reply to transmit for your information copies of correspondence noted in the margin.*

* To Magistrate and Collector of Agra, dated 26th December.
From ditto ditto, dated 28th Dec.
To ditto ditto, dated 11th January.

2. Probably under native Governments a general and undefined right of grazing public cattle on private property was exercised, and submitted to. But it has been the constant aim of the British Government to put a stop to practices of that sort. The gratuitous supply of *Rusud*, the Sirkarree Nirruck or reduced price to Government Officers, the pressing of Begarees, and several other similar oppressive practices have been stopped, or are at least entirely disclaimed. This right to gratuitous forage is of a similar nature, and must be similarly renounced. The late settlement, by fixing the limits of every village has done

much to give a value to property, which it did not before possess.

3. In a district like Agra, where there is no waste unappropriated land, all trees and forage are in the limits of some village or other, and therefore the private property of the residents in that village, or of its owner. Any person, whether a public servant or a private individual, trespassing upon the property, is liable to prosecution in the criminal Court, and to punishment on conviction. He is further liable to a suit for damages in the Civil Court. The Commissary General is quite mistaken in the supposition he seems to entertain that trees, which are not near villages, are public property. All trees, grass, forage, within the limits of a village are private property, unless on the borders of public roads and thoroughfares, the same in fact as in England, except that there are no commons. There is little waste unappropriated land besides the Jungle tracts along the foot of the Hills.

4. The Lieutenant-Governor feels convinced that you will at once perceive the justice and the policy of these principles, and will impress upon the Commissariat Department the importance of respecting the rights of property which the law confers. Undoubtedly the expense of supporting the public cattle will be increased, but this is the necessary result of discontinuing an illegal exaction, which the Government will gladly bear, and look for its recompence in the feeling of confidence and security, and the consequent prosperity which respect to private property is calculated to produce.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

Agra, the 11*th January*, 1844.

No. 2.

PRESSING ARTIZANS.

Letter to Military Board about pressing Artizans for Camp.

No. 2275.

To the Military Board, Calcutta,

Dated the 15*th June*, 1844.

GENTLEMEN,

JUDICIAL DEPARTMENT.—I am directed by the Honourable the Lieutenant-Governor to forward to you the accompanying copy of a communication received from the Court of Nizamut Adawlut, with its enclosures, on the subject of pressing Artizans and others to accompany a Military Camp.

2. The Lieutenant-Governor cannot but think that the intervention of the Magistrate in cases of this sort is improperly required. If the necessary tradesmen, as enumerated in the indent given in the margin* (which is the one lately sent in to the Magistrate of Cawnpore) are willing to proceed with the Camp, the invitation of the Commissariat Officer will be sufficient. If otherwise, such encouragement should be held out to them as will be sufficient to remove their reluctance.

* Otta & Dall Sellers.	Moochies.
Sweetmeat Sellers.	Sekulghurs.
Punsarree.	Cotton-Cleaners.
Money-changers.	Oil-Sellers.
Hoondee Walla Shuroff.	Bhurboojahs.
Tobacco Sellers.	Butter-man.
Tamolee or Pawn Sellers.	Choorut Walla.
Soojee Makers.	Khamadoze.
Bakers.	Paradoze.
Bhutteearah.	Iron Smith.
Koonjurras.	Carpenters.
Fishermen.	Gold Smiths.
Besattu.	Fowl-keepers.
Bauzauj.	Komers.
Tatarah.	Toddy Walla.
Butchers.	HookaSnakemaker.
Meat-Sellers.	Cullye Ghurs.

3. It appears by the correspondence connected with the present reference from the Court of Nizamut Adawlut, received by the Government through another channel, that the Commissariat Officers decline giving any remuneration whatever to the tradesmen thus impressed, and assert that they must trust to their chance of private employment, while with the Camp, for their recompense. They have therefore to leave their homes, to travel a considerable distance, and to transport their tools and materials, without any certainty of being repaid for their trouble and expense.

4. The Board are requested either to take such measures with the Commissariat Department as will prevent the Magistrate from being called upon to enforce the attendance of these Artificers, or to explain the principle upon which the practice rests, and the precautions which they could employ to prevent the abuses to which it is evidently liable.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 15th June, 1844.

No. 3.

PRESSING LABORERS.

Letter to Officiating Superintendent of Canals about Pressing Laborers.

No. 4458.

To the Officiating Superintendent of Canals, West of the Jumna, Dated 9th October, 1844.

SIR,

JUDICIAL DEPARTMENT.—I am directed to acknowledge the receipt of your letter No. 104, dated the 26th ultimo, objecting to the Circular Order dated 24th August last, published by the Nizamut Adawlut, strictly prohibiting the impressment of men, whether for Bazars or other purposes.

2. The Hon'ble the Lieutenant-Governor observes that the order referred to is inapplicable to the case mentioned by you. That order refers to the impressment without remuneration of Artizans and Trades-people for Military Camps, and not to the collection of coolies and work-people as day-laborers for fixed and stipulated wages. The difficulties experienced by you will always be felt when extensive works are carried on in a thinly populated country; they are difficulties arising out of the nature of things, which arbitrary orders, or illegal compulsion will not remedy. The true and effectual way of remedying them is by the constant exhibition of kindness, consideration, and thoughtfulness in all dealings with laborers on the spot, and in the

devising of means for inviting laborers from a distance, and encouraging voluntary resort to the works.

3. The Lieutenant-Governor would be loath, by especially authorizing harsher measures, to diminish the necessity for these latter and for more effectual expedients. They have often been successfully tried before, and have no doubt already recommended themselves to the adoption of your good judgment. You will find patient perseverance in them to be crowned with success.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 9th October, 1844.

No. 4.

TONNAGE CHARGES.

No. 971.

To Lieut.-Colonel J. Stuart,

Secy. to Government of India,

Military Department, Fort William,

Dated the 10th May, 1845.

SIR,

FINANCIAL DEPARTMENT.—With reference to your letter of the 28th March last, respecting the alteration of the regulated rates of Boat-hire on the part of the Magistrate of Allahabad, I am directed to transmit to you, for submission to the Right Hon'ble the Governor-General in Council, the accompanying copy of a correspondence on the subject.

To Commissioner of Allahabad, dated 19th April, 1845.
From ditto dated 29th April, 2 Enclo.
To ditto of this date.

2. The Lieutenant-Governor desires me, in forwarding this correspondence, to offer some explanation of the grounds on which his instruction to the Commissioner are based, and at the same time most earnestly to entreat the Right Hon'ble the Governor-General in Council's consideration of the whole subject.

3. The Military Board are desirous to have checks over the charges made by Officers acting under their orders. For this purpose, they have fixed tables of rates. If the charge comes below their rates, it is passed, but if it exceeds their rates, objection is made. This is very well, if their rates correspond with the market price, but is most injurious, if they do not. It is notorious that in some instances their tables differ very materially from the market rates.

4. Taking for instance this very case of Tonnage. The Magistrate of Allahabad finds that one month is the time ordinarily charged for the trip from Allahabad to Cawnpore; the Military Board's table gives fifteen days. The rates of monthly-hire are the same. It is not known on what authority the Board's table rests. A General Order may be very good for regulating the amount of boat-allowance to an Officer, but insufficient for fixing the remuneration to the owner of a boat.

5. If a boat (say of 100 maunds with one manjee and two dandies) is accustomed to receive 13 rupees for one month, for the trip from Allahabad to Cawnpore, it is very evident that it will not go for half that sum or Rs. 6-8 for fifteen days with Government Stores. It is the Board's table which is here in fault, and which should be amended.

6. The fact is, that the Board's orders necessitate the seizing of boats. The Commissariat Officer attempts to seize, and if he fails, he goes to the Magistrate. If the Magistrate knows his duty, he will refuse to exert his authority, except on guarantee of proper payment. It may be otherwise: apprehensive of injuring the public interests, and perhaps distrustful of his own judgment, he does seize boats according to the requisition. The harvest is a rich one to the Police Officers, who, of course, seize those who bribe lowest. A grievous injustice is committed, and trade in general is injured and taxed.

7. The above is no hypothetical case. Great injury is known to be inflicted by the enforcement of the Board's rates, and the rates call for revision. Any one acquainted with these provinces knows that the periods fixed by the Magistrate of Allahabad are much nearer the average time occupied in the several trips up the rivers Jumna and Ganges, than those given by the Board,

as the two are contrasted in the margin of their letter to your address, No. 2517, dated March 13th, 1845.

8. It is most probable that the proposed revision of the Board's rates of charge will occasion some increase of expense to Government. That increase is not only just to the people with whom the Government deals, but it is in itself politic and economical. Compulsory labor, under any circumstances, is acknowledged to be impolitic and wasteful, but here it appears in its worst form, because it is demanded with certainty from no one. The wealthiest people own the best boats, and can bribe the highest for immunity. For one boat unjustly seized, many boatmen are mulcted, and the Government is obliged to employ the worst boats.

9. It is most desirable that the Commissariat Department should make no applications to the Magistrates. The Commissariat Officers are the best customers in the market. If they offer a fair price, they ought to command all the tonnage they want at prices rather below than above the market rate, in consideration of the largeness of their dealings. When they have occasion to apply to the Magistrate, except on great Military emergencies, it argues some defect in their arrangement, and the Magistrate must be very careful lest, by too ready a compliance, he abet injustice.

10. The interference of the Magistrate at all regarding prices is much to be deprecated, but it is often unavoidable. There are no price-currents published by private individuals. Public Officers and private travellers, ignorant of local prices, and exposed to much loss from overcharges by their own servants, or by the persons from whom they purchase, apply in their perplexity to the Magistrate, as the only person whose authority is admitted by all parties. His Niruk-Namah, or table of rates, ought to be a mere price-current, fixed according to the actual market rates, and a careful Magistrate strives to make it such, but dishonest subordinates, for their own purposes, sometimes fix it either below or above the market rate, and thus greatly derange the course of trade. It is difficult, at present, to provide an effectual remedy, but it is most necessary to assert the right principle, and enforce it to the utmost. If the Commissariat Officers

find the Magistrate's rates to be higher than the market rate, they should call upon him to reduce it, and no doubt their application on that ground, if correct, will be effectual.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 10*th May*, 1845.

No. 5.

SUPPLY OF GRASS TO THE CAVALRY.

Letter to Military Board about purchasing grass for Cavalry.

No. 8.

To the Military Board, Calcutta,

Dated the 8*th July*, 1845.

GENTLEMEN,

FOR. DEPARTMENT.—I am desired to forward to you copies of the accompanying letter from the Governor-General's Agent North West Frontier, dated the 2nd ultimo, and its enclosures, regarding the supply of grass to the Cavalry at Ferozepore, and at the same time to bring under the Board's consideration, the general question of the supply of grass to the Cavalry within these Provinces.

2. The present custom is for the Cavalry to entertain grass-cutters who, with their ponies, go and cut grass where they can, without making any payment for it. The arrangement is economical and convenient for the Government, but not just or considerate for the people. Ferozepore is not the only station where the custom leads to collision with the cultivators, and is the constant source of annoyance and irritation. In our own settled provinces, disputes are even more common. For upwards of forty years, the Government has been endeavouring to instil into the people just ideas of the right of property. Their proprietary right in the land has been fully recognized, the limits of their several properties have been defined, and they have been declared the sole and uncontrolled owners of all the produce of

the land within those limits, and yet, notwithstanding, they are in the habit of seeing troops of grass-cutters sent into their village lands, to cut the grass that grows there, without giving them any remuneration, or even asking their permission. Every grass-cutter so acting, is no doubt legally liable to action in the Magistrate's Court for trespass, and to suit in the Civil Court for damages.

3. That such suits are not daily instituted only arises from the people's ignorance of their rights, their reluctance to appear in Court against Government, and their respect for the ancient usage which gave every thing to the Sircar, free of payment. They prefer appealing to force, getting up a quarrel with the grass-cutters, and then bringing some frivolous complaint of violence committed, or wrong done. Such complaints are common, but the question is seldom if ever put upon its real ground, viz. the right to the grass.

4. But it does not become the Government knowingly to sanction such proceedings, and to allow its servants to be the authorized agents of an acknowledged wrong. If they have no right to the grass, they ought not to take it without the permission of the owners, merely because those owners are too weak or too ignorant to assert their right.

5. The question may thus fairly be put as a general one, and left to the Board's sense of justice. It is well known that some difficulties beset the question, and that its equitable adjustment cannot but occasion expense, but this does not lesson the obligation to meet the question fairly, and adjust it equitably.

6. If the Board wish, however, to view the question practically, the neighbouring station of Muttra affords an appropriate field. It is a large Cavalry station, and there are extensive grass plains on the banks of the Jumna. None of those plains have been reserved to the Government; the whole have been declared to be within the limits of one or other of the villages. No payment is made for the grass. The grass-cutters are expected to go out, and cut it themselves. They do so, and get into frequent disputes with the villagers. The police are called in, and collision follows between the police and the troopers, which again necessarily extends to the Civil and Military Officers,

The Magistrate is bound to take cognizance of such cases, and to punish the aggressors, and the Military Officers naturally sympathize with their men. Violence and ill-blood is occasioned in all ranks of society, and simply because the Government does not take the subject fairly into consideration.

7. It is probable that this view of the case has never yet been brought before your Board, but now that it is so brought, the Lieutenant-Governor feels confident that you will agree with him, that the Government should not wait till the question is forced on them by a better organized resistance, or by the compulsion of a Judicial award. Your own sense of justice will induce you to seek some immediate remedy, and thus put a stop to the present evils, such as they are. In all fixed cantonments, a remedy may be found in bargains with the Zemindars, either for the reservation of lands, or payment of a consideration per load, or by the purchase of grass. On a march, the difficulty may be greater, but in that case the evil is also less.

8. The Lieutenant-Governor would be glad to receive an expression of your Board's sentiments on the subject, and to know what course you would propose to pursue.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

Agra, the 8th July, 1845.

No. 6.

COMPULSORY ATTENDANCE OF THE BUNNEEAHS.

Reve. No. 120. No. 2989.

To the Secretary to the Sudder Board of Revenue, N. W. P.

Dated the 16th July, 1845.

Sir,

Revenue Department.—I am desired to acknowledge the receipt of your letter No. 289, dated the 27th ultimo, regarding the compulsory attendance of the Bunneeahs at the Cantonment of Azimghur.

2. The Lieutenant-Governor is of opinion that not only is the custom unsanctioned by law, but that it is contrary to law, and renders the person, who resorts to it, liable in legal penalties. And further, not only is it illegal, but highly impolitic. Every such compulsion, when not warranted by some admitted state-necessity, acts as a tax upon the profession, prevents persons from entering it, and of course heightens the price of the articles to the community.

3. But because the practice is illegal, it does not follow that the Collector should ostentatiously and publicly renounce it. Such a measure amongst an ignorant people would be considered tantamount to a prohibition.

4. It is no doubt, as Colonel Tulloh justly observes, most essential to the discipline of the troops, that they should be supplied with what they require in their lines, without the necessity of always going to the City for it. The proper mode of effecting this is not by forcibly dragging the Bunneeahs to the Cantonments, but by making an arrangement with one or more of the men voluntarily to resort there. The Officer commanding the detachment, from his want of acquaintance with the people, and short residence at the place, will find it difficult to do this. The Collector is bound to give him all the weight of his character and influence, to effect this object. The same obligation, which binds the Collector and Magistrate to prevent the compulsory seizure of the men, equally binds him to do all in his power to effect the necessary object by legal means.

5. It may be that the Bunneeahs will reasonably enough object to go to a distance from their shops without some extra remuneration to cover the expence, either in the form of a small advance in price on their goods, or some monthly payment. An arrangement should be made to meet this. It is evident that no Bunneeah will stay, unless he is well treated, and punctually paid. This must be effected by the commanding Officer. It is much to be regretted, that, in the opinion of an intelligent British Officer like Lieutenant Hall, "a Bunneeah is looked upon by all the Sepoys as a common enemy." The way to disabuse the men of this feeling is not by illegally compelling the attendance of the Bunneeah in a place, where he is likely to be so con-

sidered, but by treating him with every possible consideration and by making the Sepoys feel that they are dependent for the supply of their wants on the mode in which they behave towards him.

6. It is much to be feared that notwithstanding the many efforts which have been used to prevent abuses of this kind, much compulsory labor is still exacted in all branches of the Government Service. Public Officers find it the easiest mode of obtaining workmen, whilst their own subordinates and the police are deeply interested in the maintenance of a system which adds to their power, and is not unfrequently the source of petty gain.

7. It is undoubtedly the duty of all Magistrates and Collectors to set their faces firmly and decidedly against such a practice in all its phases, except when justified by law and some evident state necessity. But it is also their duty to do this temperately and judiciously, and to use every exertion to prevent their actions being misconstrued, and to substitute gradually some better plan for the objectionable practice which has hitherto prevailed. If they wish to discharge their duty aright, they have need of temper, discretion, and patience, as well as of firmness and inflexibility.

8. The Lieutenant-Governor has ever found the Military Board most anxious to aid in the assertion of these principles. A copy of this correspondence will be forwarded to them, and they will be requested to take the subject into their consideration, and afford to the Military authorities such advice or assistance as may be in their power.

9. The original enclosures of your letter are herewith returned, copies being retained for record.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 16*th July*, 1845.

Letter to Military Board regarding Compulsory attendance of Bunneeahs.

Reve. No. 121. No. 2988.

To the Military Board, Calcutta,

Dated the 16th July, 1845.

GENTLEMEN,

REVENUE DEPARTMENT.—I am directed to transmit to you the annexed copy of a letter, No. 289, from the Secretary Sudder Board of Revenue, dated the 27th ultimo, with its enclosures, regarding the compulsory attendance of Bunneeahs on the lines of the troops stationed at Azimghur, together with copy of a letter this day addressed to that Officer in reply on the subject.

2. The Lieutenant-Governor will be glad if the Military Board will take this subject into their consideration, and attempt to provide a remedy for these illegal practices, not only at Azimghur, but at all other places where they may prevail. Where, as at Azimghur, a small body of troops is always posted, there can be no reason why permanent arrangements should not be made for their supply.

3. It is to be feared that, in the Executive Department of Public Works especially, much oppression is still carried on which it only requires exertion on the part of the Executive Officers to put a stop to. It is on every account most desirable that the cessation of the practice should originate with the Department, and that they should cease to call upon the Police for aid, rather than that the Police should refuse to give it them. The Lieutenant-Governor cannot but think that a Circular Order from the Board to the Department asserting the right principle, and enjoining discontinuance of the practice, would be productive of much good.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 16th July, 1846.

No. 7.

SUNDAY LABOR PROHIBITED.

Letter to Military, regarding the employment of Laborers in the Dep. of P. W. on Sunday.

No. 342.

To the Military Board, Calcutta,

Dated the 18*th April,* 1846.

GENTLEMEN,

GENERAL DEPARTMENT.—I am directed to acknowledge receipt of your letter of the 13th ultimo, regarding the employment of laborers in the Department of Public Works on a Sunday.

2. The Lieutenant-Governor has no hesitation in saying that the rule enforced by the Bombay Government, prohibiting the prosecution of public works on Sunday, is a right one, and should be universally observed.

3. But the Lieutenant-Governor does not agree in your conclusion that it will be therefore necessary to sanction an increase of expenditure of one-sixth, under the head of labor, in all public works throughout India. When it is once known that Government works are not prosecuted on a Sunday, the wages of labor will adapt themselves to this state of things : and it by no means necessarily follows that it should be higher than it now is. The day-laborer will either so regulate his exertion as to do in six days, what he before did in seven, or he will reserve the seventh day for those works, either for himself or others, which would otherwise have been performed during the six. The correspondence, which your Board have now submitted, contains a most striking instance of the operation of this principle.

4. It was difficult to procure workmen at the Gharra Ghaut, and it was found necessary to raise the price of labor 50 per cent. in order to procure workmen, and even then the assistance of the Native Chiefs was necessary in order to ensure their attendance. The rule of the Bombay Government against Sunday labor is enforced, and, as a necessary consequence, the laborers assembled at the Ghat are paid for seven days, though

they only labor for six. The effect of this is reported to be "most satisfactory, as the laborers and artificers attend much more regularly to their work on week-days than had hitherto been the case." Now it is unnecessary to require strict proof that these workmen do as much in six days as they before did in seven, though that is far from improbable. The object of the Executive Officer was to get laborers for the work. It was immaterial whether he induced them to come by raising their wages, or by exempting them from labor for part of the time of their attendance. He did raise their wages 50 per cent., and found them still reluctant to attend. He dispensed with the Sunday's labor, and found that "they not only attended more readily and regularly, but did their work with greater cheerfulness." Had he made public at first this rule of exemption from labor on Sundays, it is evident that it would have been unnecessary to have raised wages 50 per cent. in order to procure laborers, though it is very possible that both the 50 per cent., and the seventh day's exemption, would have been necessary to procure the full labor, which a contented and cheerful workman can render during six days.

5. It need only be remarked that, if the rule in question be enforced, it is by no means necessary to order, that the same rates of labor be maintained, or that day-laborers are to receive seven days' wages instead of six. It is only necessary to make it generally known that day-laborers will not be paid on the seventh day, unless they stipulate for such payment, and then to leave wages to adjust themselves. Individuals find no difficulty in procuring day-laborers, who only work for six days on the ordinary rate of wages, whereas at the Gharra Ghat, it is necessary to assemble laborers from a distance on a certain spot;—enhancement of wages is evidently necessary, whether work be required on six days or on seven;—but it is better that this enhancement be shewn by a simple increase on the rate of the six days' labor, than by an increase on the seven days, and exemption of work on one day.

6. In the introduction of any change of this sort, every effort must be made to avoid compulsion in procuring labor. There is too much reason to believe, as already remarked in my letter

of 8th July last, that recourse is still too often had by Officers under the Board's control to compulsion in procuring laborers. The public Officer, by following this course, saves himself some little trouble at the time, and perhaps at the moment gets labor a little cheaper than he would otherwise do, but both of the advantages are only temporary. Part of the pay, which should reach the workmen, is embezzled by the Officer's own servant and by the police; bad workmen are obtained, whose imperfect services are sullenly rendered, and withheld as soon as a plausible pretext can be obtained; the trouble of contending with reluctant workmen, and the expence of paying them, are far greater than are experienced when work is performed with the willingness, which free competition ensures.

7. The question mooted by your Board is, however, of a general nature, which should not be ruled by an authority whose power in the Department of Public Works is only limited. This correspondence will therefore be laid before the Right Hon'ble the Governor-General for such general orders as His Excellency may consider right.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

Agra, the 18*th April,* 1846.

No. 8.

LETTER TO THE GOVERNOR-GENERAL ON

TALOOKDAREE TENURES.

To the Right Hon'ble Edward Lord Ellenborough,

Governor-General of India, dated the 31*st January,* 1844.

My Lord,

Revenue Department.—The course which should be pursued by the Government in the Revenue Department towards the large Talookas, which are commonly met with in these provinces, has long been the subject of discussion.

2. Great difference of opinion has prevailed. The orders issued regarding the rights of the several parties in these Talookas have often been ambiguously worded, and have sometimes been of a contradictory tendency. This vacillation of policy has given rise to uncertainty of title, deterioration of property, and consequent injury to the resources of the State.

3. At this very time, the Members of the Sudder Board of Revenue hold very opposite sentiments; and on my first assuming charge of this Government, they laid before me a series of minutes, which will be found amongst the enclosures of this letter.

Packet, Nos. 1 to 23.
Rev. Pro. January, 1844.
Nos. 84 to 106.

4. It was absolutely necessary to view the subject in all its bearings, to fix the principles on which future operations were to be conducted, and to lay down a consistent rule of proceeding in all events that were likely to occur.

5. This has been done in the orders of 17th January, 1844. No. 222 which, I take the earliest opportunity of laying before your Lordship; and would solicit that, if they appear worthy of recommendation, they may be forwarded to the Hon'ble Court of Directors for their final approval and confirmation.

Packets, Nos. 24 to 28
Rev. Pro. January, 1844.
Nos. 107 to 111.

6. A Talooka, is a large estate, consisting of many villages (Mouzahs) or, as they would be called in English, parishes.

7. These villages had originally separate proprietors, who paid their revenue direct to the Government Treasury.

8. The Government in former times made over by patent, to a person called the Talookdar, its right over these villages, holding him responsible for the whole revenue, and allowing him a certain per centage, with other privileges, to compensate him for the risk and labor of collection.

9. The wealth and influence thus acquired by the Talookdar often made him in fact independent; so long as he paid regularly the sum demanded from him, he was allowed to manage the estate as he pleased. Provision was not made for protecting the rights of the village proprietors, though no one questioned the existence and inviolability of those rights.

10. When the country came under British rule, engagements for payment of the Government Revenue were taken from these Talookdars, and they were called Zemindars, no notice being taken of the village proprietors.

11. The Talookdars, previously to the introduction of British rule, had often endeavoured to eject the village proprietors, and to appropriate the villages to themselves, and had sometimes succeeded in their object. After the introduction of our rule, they continued to effect the same designs through their influence, and by means of the Courts of Law, in which the real merits of the case were little understood.

12. The subject soon forced itself on the notice of the Government, and, from time to time, opportunities were taken of setting aside those Talookdars who were found to have no good title, and of restoring the village proprietors.

13. At length, when Regulation VII. 1822 was enacted to lay down the method in which the revised settlement was to be conducted, legal provision was made for meeting these cases.

14. A class of estates was recognized in which there might be separate heritable and transferable properties, viz. that of the superior, or Talookdar, and that of the inferior, or village proprietor.

15. The Officers conducting settlements were ordered judicially to ascertain where such separate properties existed, to define the amount of the net profits of the estates to which each party was entitled, and then to take the orders of the Government as to which of the two parties should be admitted to engage direct with the Government, and on what terms.

Packets, Nos. 29 to 33.
Rev. Pro. Sept. 1835. No. 13.
" " Oct. 1837, Nos. 112 to 114.
" " Sept. 1837, No. 14.

16. This process was first carried out in the large Talooka of Moorsaun in Zillah Allyghur.

17. In this Talooka, a certain number of villages were found to be the sole property of the Talookdar, and were settled with him as his absolute possession.

18. In a certain number of other villages, there were found to be two parties enjoying separate heritable and transferable properties: viz. the Talookdar, and the village proprietors, who were called village Zemindars or Biswahdars.

19. In the latter villages the Officer, who made the settlement, fixed the demand of the Government at 62 rupees in every 100 of assumed rental, and out of the remaining 38 rupees, allotted 20 rupees to the Biswahdars, and 18 to the Talookdar.

20. He proposed that engagements should be taken from the Talookdar for the whole, and that the terms should be secured to the Biswahdars by sub-leases. The 18 per cent. of the rental proposed for the Talookdar, was to cover the cost and risk of collection, as well as to represent his right in the estate.

21. The Government, on the recommendation of the Sudder Board of Revenue, disallowed this arrangement. They admitted the Biswahdars to engage direct with the Government, and took upon themselves the cost and risk of collection; but still gave the Talookdar the allowance of 18 per cent. upon the assumed rental, as a money payment from the Government Treasury.

22. At the same time, they declared this to be as it stood, a grant of favor and not a claim of right, and that it should be open to revision on the demise of the person to whom it was given.

23. This course of proceeding received the sanction of the Honorable the Court of Directors. It was followed in the corresponding case of Talooka Sheorajpore, in Zillah Cawnpore, under repeated and express instructions from the Honorable Court.

Packets, Nos. 34 to 36.
Rev. Pro., April, 1839, No. 76, Para. 6.
" " July, 1842, No. 255, Para. 18.
Court's Despatch No. 6 of 1837, Para. 13.
Vide copies in packets Nos. 35 & 36.

24. The two precedents were considered as constituting the rule of proceeding in all similar cases. Many Talookas throughout the country were settled on these principles, and the settlements confirmed in due course by the Government.

25. When the revision of settlement in the whole provinces was near its termination, the arrangements regarding Talooka Munchunnah, in Zillah Mynpoorie, which had been concluded on the same principles, were referred for sanction.

26. The Government declined giving its sanction, was disposed to admit the Talookdar to engagements in this instance, and evinced an evident desire to retrace its steps in all the other

settlements of Talookas which had been made; the Talookdars were considered injured persons, who were to be encouraged and assisted in their efforts to recover possession of property from which they had been wrongfully excluded.

27. No specific orders however were issued, nor was any definite course of procedure laid down. Objections were urged to what had been done, and obstacles opposed to the further progress of the measure; but no consistent plan was substitnted for that which it was desired to set aside.

28. In this state, the question was brought forward for consideration.

29. There was some ambiguity in the terms of the first arrangement in Talooka Moorsaun, on the model of which the rest had been formed; that ambiguity had been increased by subsequent clashing constructions, and other sources of doubt and uncertainty had arisen.

30. It should be observed that the question originally was not one of justice so much as of expediency. The rights of both parties, *i. e.* of the Talookdar and of the Biswahdars, were held to be fully compensated, and whether the one or the other were permitted to engage direct with the Government, the law contained provisions for securing the rights of both.

31. Such being the case, the precedents of Talookas Moorsaun and Sheorajpore, and the long course of proceedings founded on them, seem to forbid a change of course in the remaining cases still open to decision.

32. The question was taken off its original ground of inherent expediency, and placed on entirely new ground. It became the question for consideration, whether it was expedient in an optional course of proceeding to break through long established precedent, and arbitrarily adopt, in some few cases, a course which would place the parties concerned in a very different position from what prevailed in neighbouring and similar estates.

Packets, Nos. 37 and 38.
Rev. Pro. July, 1842, Nos. 255 to 259.

33. This question has been decided in the negative. It has been determined to adhere, as closely as can be, to the established course of proceeding, and to settle all doubts that have arisen,

regarding the nature and terms of the arrangements already made.

34. With this intention, the orders have been issued, which are the subject of the present letter. The main points on which they treat are the following.

35. *First.*—In the settlements yet remaining for orders, it has been determined to admit the Biswahdars to engagements, and give the Talookdar his allowance from the Government Treasury.

36. *Secondly.*—The nature and incidents of the Talookdar's allowance have been fixed. It has been determined to be a per centage on the Government collections, *i. e.* 22½ out of every 100 rupees collected by the Government; but with a provision that the total sum is never to fall below $\frac{1}{10}$th of the total demand of Government from the Biswahdaree villages at the time of settlement, such being the highest amount fixed by law as the compensation to be given to a proprietor who is not admitted to engage.

37. *Thirdly.*—A course of proceeding has been laid down in all cases which can occur, whether of default by the Biswahdars from over-assessment, of sale or purchase of the rights of one or other of the parties; or of decisions by the Civil Courts affecting their rights. These are the cases, which the experience of some years has shewn to be of probable occurrence.

38. There is one point on which it is not impossible that subsequent embarrassment may arise.

39. It has already been stated in para. 15, that the whole arrangement rests on the original judicial decision of the Officer conducting the settlement, to the effect that there are two separate heritable and transferable properties in each village.

40. By the law, this decision may be hereafter contested in a regular suit before the Courts of Justice, and is open to all the uncertainty, which naturally results where Courts of law have no definite grounds for their decision, and are able to take only a partial view of the merits of the case presented to them.

41. The Talookdar of Moorsaun has brought suits into the district Courts, regarding certain individual villages, and obtained decisions which set aside the Biswahdars, and constitute the Talookdar sole proprietor of the villages.

42. These cases will now be examined, and if there is reason to question the soundness of the decisions, or if there be principles asserted which, in their operation as precedents, are likely injuriously to affect other interests, the doubtful points will be brought before the Court of Sudder Dewanny Adawlut, and an authoritative decision obtained.

43. There is no reason to suppose that the decision of the Court, when the subject is brought fully before them, and placed on its true merits, will be other than what the Revenue Authorities have already asserted, and the Government have recognized. But if the result be such as to indicate defect in the law, or be calculated to cause injustice, a future opportunity will be taken for bringing the subject under the consideration of the Legislative Council.

44. In the meantime, there are grounds for hoping that the course of proceeding, which has now been prescribed, will remove much of the existing uncertainty regarding these tenures, and go far towards giving security of title. Hence will probably result greater efforts for the improvement of the property, and in the end amelioration of the condition of the proprietors, and consequent improvement of the resources of the State.

I have the honor to be, &c.

J. THOMASON,

Lieutenant-Governor, N. W. P.

Agra, the 31*st January*, 1844.

No. 9.

ORDERS TO SUDDER BOARD OF REVENUE ON

TALOOKDAREE TENURES.

No. 222.

To H. M. Elliot, Esquire,

Secy. to the Sudder Board of Revenue, N. W. P.

Dated the 17*th January*, 1844.

SIR,

REVENUE DEPARTMENT.—The Lieutenant-Governor has had under his consideration the voluminous documents on the sub-

ject of Talookdaree tenures forwarded with your letter No. 643, dated November 21st last.

2. In dealing with this subject, it seems preferable to separate the general question from the particular cases, to determine first the principles on which all such tenures are to be treated, and then to show the bearing of these principles on the particular features of each separate case. The present letter will therefore treat only of the general question.

3. It is of the last importance to the welfare of the country that this question should be fully met in all its details, and finally and authoritatively disposed of. Various opinions have been entertained on the innate rights of the parties concerned, on the intentions of the persons who have hitherto pronounced upon these rights, and on the legal provisions which affect them. These doubts have occasioned uncertainty of title, and consequent deterioration of property. Heavy arrears have accrued in several Talookas, and whether these are occasioned by fraudulent embezzlement consequent on known defect of title, or by thriftless mismanagement arising from a feeling of insecurity, the effect is in both cases the same. Uncertainty of title has produced deterioration, and it is the paramount duty of the Government, so far as may be possible, by removing the uncertainty, to prevent the further progress of deterioration from that cause.

4. Talookas are Mehals of the nature contemplated in Sec. 10, Clause 1, Regulation VII. 1822, where "several parties possess separate heritable and transferable properties in parcels of land, or in the produce or rent thereof, such properties consisting of interests of different kinds."

5. Originally the persons now called Biswahdars, village Zemindars, or village communities, were the parties who would have been recognized by the Government as absolute proprietors, if there had been no Talookdar. The right of the Talookdar was supervenient, and originally created by patent. But it has in many cases over-borne and entirely obliterated the right of the subordinate proprietors, so as to stand in its place.

6. In the settlement of each Mouzah or other component portion of a Talooka, the first question for consideration is,

whether the tenure does not come under the definition above quoted in Section 10, Clause 1, Regulation VII. 1822, *i. e.* whether it is exclusively the property of the Talookdar, or whether parties besides the Talookdar possess in it heritable and transferable properties, consisting of interests of a kind different from that of the Talookdar.

7. This is a judicial question to be decided in each case on its own merits. The proof of property may be more or less distinct. The full exercise of the proprietary right may have been long in abeyance, and the right only maintained in existence by certain recognized and very sufficient indications. The whole drift of the clause in question, as well as the more express wording of clause 2, Section 3, Regulation VII. 1822, shows that to "have been formerly under engagements and recorded in the accounts of past settlements, as Zemindars, Talookdars, or the like," by no means determines the question as to the rights of him who has been hitherto Malgoozar, nor is conclusive against the existence of other actual proprietors. This point is to be judicially determined by the settlement Officer* in the first instance,—by the Board of Revenue,† or the bodies exercising the powers of the Board, in the second instance,—and ultimately, by the Civil Courts.‡ In the determination of this question, the Government cannot regularly or beneficially interfere, unless it be in the way of instruction and recommendation previous to the commencement of the enquiry, or in the way of explanation after a decision has been given by the Revenue Authorities.

* V. cl. 1, Sec. 14, Reg. VII. 1822.
† V. cl. 1, Sec. 29, Reg. VII. 1822.
‡ V. cl. 6, Sec. 29, Reg. VII. 1822.

8. There can be no doubt of the ultimate jurisdiction of the Civil Courts in cases of this question. It is probable that the Revenue Officers, by the more extended view they are able to take of questions of this nature, and by the safer deduction they are able to draw from a number of cases of varying shades and characters, may be better fitted for conducting the investigations. Still it is conformable with the general character of the system as well as provided by the law, that the power of revision should rest with the Civil Court in each case in which either party considers itself aggrieved. If, in the case tried, the

grounds of the decision be not fully stated in the record of the Collector's proceedings, it then becomes the duty of the Revenue Authorities themselves to place clearly before the Civil Courts the grounds on which they rested their decision, and to guard by means of appeal against the assumption of what they may consider erroneous principles.

9. But in cases where separate properties are found to be in the possession of several parties, the legislature especially reserves, in the section already quoted, to the administrative authority (the Governor-General in Council) the function of "determining and directing which of such parties shall be admitted to engage for the payment of the Government Revenue." This is a question with which the judicial authorities have no concern.

10. In Talookas Sheorajpore and Moorsaun, many instances were found of the possession by several parties of these separrate properties, and it has been determined, by the highest authority, that the subordinate proprietors should be "admitted to engage for the payment of the Government Revenue." A rule has further been laid down for "determining and prescribing the manner and proportion in which the net rent or profit arising out of the limitation of Government demand, shall be distributed" between the Talookdar and the subordinate proprietors.

11. These precedents have been followed to a great extent, and could not now, with consistency or justice, be abandoned in the few cases yet undetermined. It is the intention of the Lieutenant-Governor to adhere to this course in all instances which may come under his consideration.

12. In the settlements which have already been formed in this manner, and confirmed by the Government, questions have arisen regarding the nature of the "provision made for securing the rights of the remaining party" not admitted to engage, i. e. the Talookdar. "A proportion of the net rent or profit arising out of the limitation of the Government demand" has been allotted to him, but it has never been clearly or authoritatively decided what is the nature of this allowance, on what tenure it is held, or to what contingencies it is exposed. It is absolutely necessary that all these questions should be set at rest. The

V. Clause 1, Sec. 10, Reg. VII. 1822. And Clause 2, Sec. 5, Reg. VII. 1822.

determination of the amount of this allowance is reserved by law to the administrative authority. It is a question with which the Civil Courts have no concern.

13. It remains therefore fairly to consider the declared intentions of the Government regarding this allowance, with all the light which analogy and the wording of the law can throw upon the subject.

14. Whenever the Biswahdars were admitted to engage, 20 Rupees out of every 100 of assumed rental were assigned to the Biswahdars, and 18 to the Talookdars; 62 being left to the Government. Whenever the Talookdars were admitted to engage for Mehals which were their absolute property, 30 Rupees were assigned to them, and 70 Rupees fixed as the Government demand in every 100 of assumed rental. In the former case, the Government charge themselves with collecting the Talookdar's as well as the Government demand, and pay over the former to the Talookdar free of all charge whatever.

Set. Cir. No. IV. para. 175.

Ditto ditto, para. 177.

Ditto ditto, para. 176.

15. When the whole demand is realized, the Government pay over to the Talookdars 18 parts out of 80, or 22½ per cent. without deduction.

16. In cases of non-realization of the whole demand, a question naturally arises whether the Government demand is to be first satisfied, and the remainder paid over to the Talookdar, or the Talookdar's demand first satisfied, and the remainder reserved by the Government, or whether the Government and the Talookdar are to share in the proportion of 62 to 18 in all that may be collected.

17. The wording of the law, the analogy of the case, and the views of the Officer who first determined the amount, would lead to the supposition that the demand of the Government was to be first satisfied, and the remainder only paid over to the Talookdar.

18. The law empowers the Governor-General in Council to determine "the proportion in which the net profit arising out of

the limitation of the Government demand shall be distributed." In the case in question we have the proportion fixed, and it would be natural to suppose that the net profit to be distributed depended on the prior realization of the Government demand.

19. In all other cases of rent charge, the Government demand takes precedence of other claims, and the satisfaction of those claims depends on the prior realization of the Government demand.

20. The settlement Officer, when he assumed this calculation as the basis to determine the Talookdar's rights, intended that he should be admitted to engage, should be bound to pay the Government demand, and notwithstanding the cost of collection be restricted from appropriating to himself more than the difference between the sums paid to him by the Biswahdars and to Government by him, that is 22½ per cent. of his collections, supposing the whole realized.

21. The terms however of the Sudder Board of Revenue's recommendation to the Government, and of the general assent given by the Government to those terms, as well as of the general confirmation of the arrangement by the Hon'ble Court of Directors, forbid this construction. The Board declare "that the Rajah will be free from responsibilities of balance, &c." and the Government continues the money payments "in the mode recommended by the Board." This can only mean that the Talookdar would not be responsible for the balance in the same way in which he would have been if he had been continued in the management, and therefore precludes the Government from first satisfying its own demand, and then paying over the remainder of the sum realized to the Talookdar.

See Para. 11 Board's letter to Government, dated July 14th, 1835.

Para. 6, Orders of Government, dated 4th September, 1835.

22. The exclusion from this liability was a great boon, and the Government viewed it in that light. They perceived that an allowance, which was of fair amount when it covered the risk and cost of collection, was much larger than requisite when it was commuted to a money payment from the Treasury, and was considered as compensation for exclusion from engagement. They therefore negatived the right of the Talookdar to the whole

allowance, gave it at the proposed amount as a matter of grace, and declared the arrangement open to revision on the demise of the incumbent.

23. It has, on the other hand, been held by some that the allowance to the Talookdar is first to be paid over to the Talookdar, and the balance only to be credited to the Government. This arrangement is so entirely opposed to all analogy, that nothing less than the expressed declaration of the Government to this effect, and the clear assignment of the sum as a fixed annuity, could suffice for its warrant.

24. But no express declaration has ever been made by the Government.

25. It has already been shewn that general sanction was given to the mode of payment recommended by the Board. Now the Board at the same time that they proposed to hold the Rajah "free from responsibilities of balance," &c. expressed in the very same sentence their opinion that "his right was amply provided for in the allowance of 18 per cent. as recognition of superiority." The latter passage shows that the allowance was a variable rate, and not a fixed sum, and the two expressions taken together negative as decidedly the priority of right of the Talookdar, as that of the Government.

26. It is true that in this instance the Board themselves, on a subsequent reference to them, suffered the meaning in question to be attached to their own words, but this unauthorized construction cannot be held binding on the Government. Nor do the Board themselves appear to have been consistent in their construction; for the directions in paras. 179 and 180 of Circular Order, No. IV. do not naturally bear this meaning, and it is understood that in several cases they have especially declared the Huk Talookdaree to be a per centage on the collections. In the case of Talooka Seydpoor Bhittree, when the question came before the Government on 19th October, 1837, it was expressly laid down "that the Mokurreereedar is only entitled to ¼ of the *actual collections whatever they may be*, and that the whole of the loss which may arise from balances is not to be borne by the Government.

V. Board's letter to Commissioner, dated December 15th, 1835, No. 252.

27. Regulation VII. 1822, Section 5, Clause 2, provides that, on excluding absolute and unquestioned proprietors of estates from their property, a Malikanah allowance of between 5 and 10 per cent. on the Jumma shall be given them. When 10 per cent. is considered the maximum to which an absolute proprietor is entitled, it is unnecessary to give to a part proprietor 22½ per cent. in the same manner, free of all risk whatever.

28. In the case of famine or any other great calamity it might be possible that only the sum allotted to the Talookdar, or not even that, could possibly be collected; in which case the Government would have not only to suffer the loss of their own revenues, but to bear the expence of remunerating the Talookdar in this large amount. Liability to such a result seems as little in the scope of the recommendation of the Board as of the sanction of the Government.

29. If the Huk Talookdaree be considered an absolute sum given under any circumstances by the Government to the Talookdar and dependent on his exclusion from the Biswahdaree villages, it then follows that its continuance is dependent on his continued exclusion. If he attempt by suit in court, or by any other means, to obtain the management of any of the villages, he has violated the condition of the gift, and rendered himself liable to forfeiture of the whole, or to its immediate reduction to an amount which would be a merely just remuneration for the loss of his "title of management" in the remaining villages. But this result would not be consistent with the power given by the law to contest in Court the accuracy of the judicial decision on which the original recognition of the Biswahdars rests, and would be so unfavourable to the interests of the Talookdars as to be quite unworthy of adoption.

30. The Lieutenant-Governor has no hesitation in deciding that the middle course is the just and equitable one, viz. to consider the Government and the Talookdar as entitled to share in the collections in the proportions of 62 to 18 or in other words that, out of every 100 Rupees collected, 22½ should be paid over to the Talookdar. This seems fairly to accord with the nature of the arrangement and the expressions of the Board, as they

were laid before the Government when sanction was given to the payment of the allowance.

31. But a distinction must here be assumed. The law recognizes in a "Zemindar, Talookdar" or "Malgozar not being an actual proprietor of the land" a certain "title of management" for which it is equitable that the Government should give him some allowance. It is also just that a rightful manager, excluded by the Government from the management on considerations of expediency, should not be left altogether dependent on the success of the system of management, which the Government may follow.

V. Cl. 2, Sec. 5. Reg. VII. 1822.

32. It may hence be deduced that the allowance to the Talookdar is of a compound nature, consisting of a fixed minimum claimable under all circumstances, and a variable sum claimable at a certain rate, whenever the amount of the collections admits of it. The former is the compensation for the mere "title of management" mentioned in the Regulations; the latter is the amount over and above this equitable right which has been given him by the Government as of grace during his lifetime, and is open to revision on his death.

33. The arrangement was evidently intended by the Government to be a liberal one, and this object will be fully attained if the minimum be fixed at the highest amount of Malikannah claimable under Clause 2, Section 5, Regulation VII. 1822, which is 10 per cent. on the total demand. In this case, the present Huk Talookdaree being 22½ per cent. on the Government demand from the Biswahdars, 10 of this must be considered as fixed Malikannah, and the remaining 12½ as variable, and open to revision on demise of the incumbents.

34. The fairness of this assumption, and its consistency with the general features of the arrangements, will be perceived by contrasting the terms of the settlement in the Biswahdaree and Zemindaree villages of a Talooka. In the former the Government took to itself 62 parts out of every 100 of assumed rental, leaving to the proprietor 38. In the latter, the Government took 70 out of every 100, leaving to the proprietor 30. In the former case then, there was something more for which allowance

was to be made over and above that in the latter, and this could only be the "title of management" on the part of the Talookdar who, in those villages, occupied an intermediate position between the Biswahdars and the Government. The amount of the allowance was eight parts (38—30) out of every 100 of assumed rental, or 10 per cent. of the 80 parts demanded from the Biswahdars.

35. It must then hereafter be assumed that the Talookdar is only entitled to $22\frac{1}{2}$ Rupees in every 100 out of the total collections from the Biswahdaree villages in the Talooka, provided the amount so assigned him never fall short in any one year of $\frac{1}{10}$ of the entire demand from the whole Biswahdaree estates. Accounts which have been already made up and finally adjusted on a different principle need not now be re-opened, but this is the mode of adjustment which is hereafter to be observed.

36. It is desirable to follow out this principle in all its supposable effects.

37. The minimum amount of $\frac{1}{10}$ of the total demand fixed at the time of settlement should be considered an indefeasible right of the Talookdar, and his heirs and assignees, so long as the settlement may last. On the death of each Talookdar the arrangement under the orders of Government becomes liable to revision, and then the surplus above this amount may be disposed of at its pleasure.

38. If the settlement breaks down, and the full assessment cannot be realized and re-settlement becomes necessary, the Talookdar will only be entitled to $22\frac{1}{2}$ per cent. out of the renewed demand provided his whole Talookdaree allowance do not fall short of $\frac{1}{10}$ of the total original demand on the Biswahdaree estates at the time of settlement.

39. Balances which accrue in the Biswahdaree estates on the total demand (including the Government and the Talookdar's) are to be dealt with in the same manner as all other balances in common estates, as laid down in the Board's Circular Order No. 6, of 4th April last.

40. If the balance cannot otherwise be realized, and there be no sufficient grounds for remission, the Biswahdars have a right to expect that the property, which the Government has recognized in them, be put up to sale in satisfaction of the arrears.

41. If, at the sale, the estate be purchased by other than the Talookdar, the purchaser will then stand in the place of the old Biswahdars, and the Talookdar continue entitled as before to his 22½ per cent.

42. But if the estate be bought in by Government, it should be settled on its assets, and offered first to the Talookdars.

43. If he engages, it should then be reckoned as a Zemindaree village, and removed from the list of Biswahdaree villages, the Talookdar's allowance ceasing altogether to be calculated upon it. In this case his Talookdaree allowauce on the village will be merged in his profits as Zemindar under the new contract into which he will have entered with the Government.

44. If on the other hand he refuse to engage, it will continue during the term of settlement to be classed amongst the Biswahdaree Mouzahs, and the Talookdar will receive his allowance from it. The Government will make the best arrangement it is able for the management of the village, either keeping the proprietary right in its own hands, or assigning it over to any other party who may offer to take it.

45. Whenever the Talookdar may purchase the rights of a Biswahdar, whether by private bargain or at public sale in execution of a decree of Court, or in satisfaction of a demand for arrears of revenue, he will stand in the Biswahdar's place, and continue entitled to his full Huk Talookdaree on the village. But in this case the Mouzah will remain on the list of Biswahdaree villages, both because the minimum of the Talookdar's allowance will still be calculated upon it, and because on his demise, the amount of his Talookdaree allowauce upon it will become open to revision.

46. But the case is different when he goes into Court, on the only ground which is open to him, namely, the absence of any other proprietary right than his own. Supposing him to do so and to establish his claim, he then proves that the Government was mistaken in supposing that, in that village, there was any separate "title of management" to compensate, and that it is consequently at liberty to withhold from him the 10 per cent. upon the demand, which it had before assigned to him in compensation for that right. An addition will consequently

be made to the net jumma previously receivable by Government, amounting to 10 per cent. on the former total payments of the Biswahdars, or, in other words to 8 per cent. on the rental assumed at time of settlement. The new jumma payable by the Talookdar will then be fixed at a deduction of 30 per cent. from that rental, being exactly what it would have been, if the village had been originally considered a Zemindaree and not a Biswahdaree village, the Huk Talookdaree upon that village will of course cease to be paid, and the estate will be transferred from the list of Biswahdaree to that of Zemindaree Mehals.

47. From the moment of his obtaining the decree he becomes, as in every other case of similar transfer of property, responsible for the whole balance due from the Biswahdars; on his failure to pay, the village may be put up for sale for the total (Government and Talookdaree) demand against it, and in the event of its being purchased by a third party, or bought in by Government, is entirely severed from the Talooka.

48. The more precise application of these principles to the cases of Talooka Moorsaun, Munchunna, Powain, and Budlapoor, mentioned in the correspondence forwarded with your letter under acknowledgment, will be shewn in separate letters. The Board will, however, understand that nothing here advanced is to be held applicable without special orders to the case of the Birteeah Tenures in Goruckpore.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 17*th January,* 1844.

No. 10.

CUSTOMS ADMINISTRATION.

Letter to Governor-General reviewing Customs Administration to the end of 1843-44.

No. 2218.

To the Right Honorable the

Governor-General of India in Council,

Dated the 12*th June,* 1844.

MY LORD,

SEPARATE REVENUE DEPARTMENT. It is proposed in the present despatch to reply to the Honorable Court's letter in the Separate Revenue Department, No. 2 of 1844, dated March 6th, 1844, and at the same time to bring down to the latest date the proceedings in this Department within the limits of these provinces, to which Act No. XIV. of 1843 extends.

2. The rules published by this Government on February 10th last, under Section III. of the above Act, and the declaratory Circular Order of the Sudder Board of Revenue regarding the manufacture of Saltpetre, are forwarded as separate numbers in this packet, and will show the arrangements which have been made for the enforcement of the provisions of the Act.

3. The entry in the margin* shows the establishment which has been provisionally sanctioned for the collection of the Customs, and enforcement of the law. But as these charges are not yet finally fixed, the statement must not be received as an accurate exhibition of what will be necessary.

* Divisions.	Collectors and Dewanny Collectors.			Preventive Establishment.			Total.		
Delhi,....	4,150	0	0	19,477	11	0	23,627	11	0
Mirzapore,	3,700	0	0	17,565	8	0	21,265	8	0
Total per mensem,	7,850	0	0	37,043	3	0	44,893	3	0
Total per annum,	94,200	0	0	4,44,518	4	0	5,38,718	4	0

4. The annexed Table shows the gross Collections from all dutiable articles, since 1834-35 to the close of 1843-44, with a specification of the amount realized from salt, cotton, and sugar. In 1836-37, the frontier line system was substituted for the

detached Custom House system. In 1843-44, the provisions of Act XIV. 1843, came into operation from September 1st, 1843. Under neither system has there been any loss of revenue. The partial operation of the present system during the past year, under the very unfavorable circumstances attending its first introduction, has yielded a considerable increase of revenue, and in future years, if there are no calamities of season, a still further increase may be expected.

5. I will proceed to offer some special observations on the different articles now or previously dutiable under the several heads of salt, cotton, sugar, and miscellaneous.

SALT.

6. Previous to the enactment of Act XIV. of 1843, the duty on all salt was one rupee the maund, the additional duty of 8 annas per maund leviable under clause 1, Section 3, Regulation XVI. 1829, on Lahoree, Saumur, and Doodwanna Salt having been remitted by the Governor-General on July 1st, 1835.

7. A uniform duty of 2 rupees per maund is now levied on all salt passing the North Western Frontier line, and a further duty of one rupee per maund on all passing eastward of Allahabad. Salt is allowed to be brought across the Hurreeannah line, for consumption west of the frontier line, on payment of one rupee per maund.

8. The great works for the production or manufacture of salt are in the Punjaub, whence rock salt is brought,—in Rajpootanna, where it is made in the great salt Lakes at Sambur and Doodwanna, &c.—at Noh and Sooltanpore in the Delhi Territory, —and in the Bhurtpore country on the Agra Frontier.

9. The Punjaub and Rajpootanna salt have to travel far before they reach our frontier. This naturally raises the price, and diminishes the temptation to smuggling. There is not much difficulty in bringing these under contribution, especially now that the Hurreeannah line has been prolonged to the Sutlej, and the latter salt has thus been prevented from turning the line.

10. The Noh and Sooltanpore works lie within our own jurisdiction westward of the line. An establishment used to be maintained there to watch the manufacture and prevent its removal for import till duty was paid; Mr. Smith, the Collector

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Statement showing the Collections and Charges, Customs Department, N. W. P. from 1834-35 *to* 1843-44.

	1834-35.	1835-36.	1836-37 Frontier line formed.	1837-38 famine Year.	1838-39.	1839-40.	1840-41.	1841-42.	1842-43.	1843-44 Reg. XIV.1843 passed.	Remarks.
Salt, ...	21,28,048	22,90,977	20,88,753	18,70,667	30,80,623	26,83,904	24,34,431	26,36,852	24,68,251	35,42,737	The entries up to 1841-42, are from adjusted accounts. The entry for 1842-43 and 1843-44, from rough returns made by Collectors, not pretending to be accurate.
Cotton, ...	7,78,071	6,94,145	5,69,293	4,18,660	5,65,111	5,50,286	6,56,525	5,66,413	4,90,850	5,52,775	
Sugar, ...	5,04,114	5,19,548	3,64,048	3,42,720	3,83,777	4,25,027	4,32,500	4,52,346	4,27,127	4,90,518	
Miscellaneous, ..	9,64,670	8,55,261	6,48,518	8,55,136	8,39,107	7,66,699	6,67,228	7,64,895	6,80,104	2,59,636	
Total Gross Collections, ...	43,74,903	43,56,931	36,70,612	34,87,183	48,68,618	44,25,916	41,90,684	44,20,506	40,66,332	48,45,666	
Charges, ...	..	7,92,499	7,45,616	7,08,449	7,17,152	6,95,558	7,07,045	6,78,655	6,13,815	6,45,266	
Total nett Collections, ...	..	35,64,432	29,24,996	27,78,734	41,51,466	37,30,358	34,83,639	37,41,851	34,52,517	42,00,399	

of Customs at Delhi trusting entirely to the strength of his preventive line, withdrew this establishment. The consequence was that several lacs of maunds were smuggled across the line in the months of December, January and February last. The salt in store at the works was sold off at one anna a maund, at which rate it was almost impossible to realize a duty of two rupees per maund, or 3,200 per cent. upon the cost price. The local preventive establishment has now been again entertained, and the smuggling has been greatly checked.

11. The greatest difficulty is experienced with regard to the Bhurtpore salt, or, as it is called in Regulation XVI. 1829, Balumbha salt. A great quantity of good salt is made all along our frontier in the Bhurtpore Territory from the brine raised from wells. This brine is exposed to evaporation in shallow earthen pans at the mouth of each well, and the salt is manufactured at a very small cost varying from 4 to 6 annas per maund. Each manufactory pays a duty to the Raja of Bhurtpore or his farmer, and the whole constitutes an important item in the revenues of the Bhurtpore state.

12. These circumstances alone would render the collection of the heavy duty imposed by our Government difficult, but the difficulty is considerably increased by the narrowness of the strip of our territory, which intervenes between the Jumna and the Bhurtpore state, and the position of some Bhurtpore villages in the very midst of this strip as shown in the annexed sketch, It is evident that the prevention of smuggling would almost be impossible without some secondary line in the Doab, unless we had, as is fortunately the case, the best understanding with the Raja of Bhurtpore, and ready assistance from him in any way in which it can be rendered.

13. The usual mode of smuggling is by head-loads. Bands of smugglers collect together on the frontier just beyond Customs jurisdiction, each carrying a load of about 30 seers or 60 lbs. The best efforts of the preventive establishment can only secure a few of the band; the rest pass on in the darkness of the night across the line, and the profit on the loads which escape amply compensates for the loss on those which are seized. When smuggling was not a penal offence and the only punishment was

confiscation of the load, it was evidently impossible to stop this system. However numerous and vigilant the Customs Officers, the smugglers had only to out-number them, and they were sure to succeed. The case is now altered. Fine or imprisonment follows apprehension, and of course there is greater reluctance to incur the risk. But it may reasonably be apprehended that recourse will now be had to violence in proportion as the stringency of our preventive measures increases. When the duty is 600 or 800 per cent. on the prime cost of the article, means of eluding it will be found, even though the article be bulky. The most that can be done is to palliate rather than prevent the evil. The great mart of Hatrass in the Doab is the best test of the efficiency of our preventive measures, and if it is true, as is asserted, that the price of salt has lately risen there from 22 seers to 16 or 19 the rupee, it speaks well for the success of the means pursued. There have hitherto been few, if any, affrays arising from contests with smugglers, but the system has not yet been long enough in operation to enable one to form a correct judgment in this respect.

14. The route by which salt is brought across the frontier in the Mirzapore or second division of Customs is só circuitous, that there is less temptation to smuggle on that part of the line.

15. The suppression of the manufacture of salt in our own territories has been part of the system introduced by Regulation XIV. 1843.

16. An attempt was made, by the enactment of II. 1838, to bring this salt under contribution, but the plan entirely failed, partly from the defect of the law, and partly from the impossibility of the case. The salt manufactured in our own territories is with few exceptions very inferior in its quality; if the duty upon it were honestly paid, the foreign salt would drive it out of the market, especially when smuggling to a considerable extent is well known to reduce considerably the price of foreign salt below what it ought to be.

17. The first effect of Act II. 1838 was to check the manufacture of salt, but it was soon found that the provisions of the Act were inoperative, and that it was as advantageous to make and smuggle salt under its provisions as to manufacture salt

in violation of it; Accordingly many licences were taken on under Act II. 1838, guardians were appointed on salaries of 10 rupees per mensem, and paid by the manufacturers to watch the works, and the guardians and manufacturers together realized large sums by the sale of much more salt than ever paid duty. The annexed* return of licences taken out under Act II. 1838, affords no grounds for judging of the quantity of salt actually manufactured.

18. The great difficulty at present experienced with regard to the manufacture of salt in our provinces is to distinguish what really is a manufactory of "alimentary salt." Many salts are used in commerce, which in their crude state contain a considerable quantity of muriate of Soda, and there is no certain rule for determining what quantity of muriate of Soda is necessary to constitute the work a manufactory of alimentary salt, liable to destruction, and exposing the manufacturer to the penalties of Act XIV. of 1843. This difficulty is the most experienced with regard to saltpetre works, and is set forth in the annexed Circular Order of the Board. Attention is now directed to the subject, and information is in the course of collection,

* *Abstract Statement of Licences granted for the manufacture of Salt under Act II. of 1838.*

Divisions.	1838.		1839.		1840.		1841.		1842.		1843.		Remarks.
	No. of Works.	Estimated annual produce.	No. of Works.	Estimated annual produce.	No. of Works.	Estimated annual produce.	No. of Works.	Estimated annual produce.	No. of Works.	Estimated annual produce.	No. of Works.	Estimated annual produce.	
Meerut, ...	..	..	17	6,347	13	6,838	2	1,052	2	493	..	..	In 1841 the annual produce is filled in by computation. The returns for 1840 are incomplete. The returns from Rohilcund and Allahabad are very defective.
Rohilcund, ...	..	..	14	111	..	..	..	..	..	..	..	..	
Agra, ...	..	..	28	1,001	3	30	5	235	33	271	..	..	
Allahabad, ...	..	..	117½	518	124	1,615	127½	2,478	120	1,731	120	1,480	
Benares, ...	367	2,178	516	2,486	46	1,877	37	1,068	53	1,485	62	1,550	
Grand Total,	367	2,178	692½	10,453	186	10,360	171½	4,838	208	3,980	182	3,038	

which will afford grounds for coming to a decision on the point.

COTTON.

19. The duty of 12 annas per maund on cotton liable under Regulation IX. 1810, was changed by Section XII. Regulation IV. 1815, to an ad valorem duty of 5 per cent. All ad valorem duties were levied according to valuations in books of rates, liable to periodical adjustment. This duty was, by Regulation XV. 1825, to be returned as a drawback on exportation of the article on a British Bottom to Europe or America. The drawback was maintained in a note appended to Schedule B, in Act XIV. 1836.

20. The duty under this law varied according to the market rate of the article at the Custom House, by which it was brought across the frontier line. The sum to be refunded as drawback at the Custom House of Calcutta, of course, was also variable. The mercantile community complained of this, and the Board of Customs at Calcutta made a representation on the subject to the Sudder Board of Revenue in 1840, pointing out the injurious preference for exportation which some cotton possessed in the market, and the difficulty experienced by the Calcutta Collector of Customs in determining whether the cotton had really passed the frontier line under the Rowannah on which the drawback was claimed. To obviate this difficulty the Sudder Board of Revenue, in the exercise of the power they always possessed of adjusting the book of valuation rates, fixed 10 rupees per maund as the medium value of cotton at all the Custom Houses. This fixed the duty at 8 annas per maund, which remained unaltered from 1840 to the passing of Act XIV. of 1843. The duty on uncleaned cotton was always 4 annas a maund.

21. The amount of drawback given in Calcutta on cotton exported to Europe and America for a series of years is shewn in the margin* and is of small amount.

*	1835-36.	1836-37.	1837-38.	1838-39.	1839-40.	1840-41.	1841-42.
Duty,	69,445	5,69,293	4,18,660	5,65,111	5,50,286	6,56,525	5,66,413
Drawback,	64,633	13,664	2,997	5,569	16,461	4,385	4,639

The Oomraotee cotton, which is generally preferred in the English market, finds its way to the sea by the more lightly taxed route to Bombay.

22. Cotton is never exported in any quantities from the British territories except by sea. Great quantities of cotton are brought across the N. W. Frontier for shipment at the different marts on the Jumna and Ganges, and for the supply of our own provinces as well as for export by sea. The distinction of export and import, attached to the entries of collections under this head prior to 1843, were merely nominal, and part of the practice under the old system of Regulation IX. 1810. "Goods brought by certain routes or paying duty at certain times were called exports, whilst goods brought by other routes, or paying duty at other times were called imports." To remedy this the Vth of the Rules of February 10th, 1844, was passed to define what constituted export and what import.

RULE V. Articles brought from the southward and westward within Customs jurisdiction upon either of the above lines shall be held to be imported, save and except in the case of sugar, the produce of a British province, as provided hereafter in Rule XXXVII. articles brought from the northward and eastward within Customs jurisdiction upon any of the above lines shall be held to be exported.

23. Under the law prior to 1843 as well as at present the cotton of the British province Bundlecund paid duty on passing the frontier line upon the Jumna, but this was done to facilitate the formation of a good and direct line along the river. The hardship was compensated by the liberty of consuming untaxed salt, which they enjoyed in consequence of their position beyond the line.

24. In Mr. Secretary Thornton's letter to the Secretary with the Governor-General, dated February 23rd last, copy of which is herewith sent, attention has already been drawn to the anomalies, which result from the maintenance of a duty upon cotton in the Saugor and Nurbudda territories.

25. It will hence appear that the provision of Act XIV. 1843 have made no alteration whatever in the levy of duty on cotton. They have only declared and made permanent what was before obscure and liable to change. In the rules of February 10th, 1844, a remedy was afforded to some petty inconveniences to which the trade was exposed in passing the

frontier line, but these do not require detailed notice. It will be obvious that the increased efficiency given to the preventive line tends to bring the imported articles more certainly under contribution; cotton is so bulky and the duty so very moderate, that payment is never evaded.

Sugar.

26. The same has been essentially the case with sugar as with cotton. It was formerly liable to a duty of 5 per cent., according to valuations in books of rates, compiled somewhat arbitrarily, and not always corresponding with the real market value of the article. The fixed duty, leviable under Act XIV. 1843, was determined so as to represent a fair average of what was formerly demanded. The trade in sugar is chiefly export, the countries lying north and east of the Ganges being those which produce sugar in abundance for the whole of Upper India. The only sugar, which there is any temptation to import, is that which was produced in our own territory, but carried to Bickaneer and other countries west of the line, there to be refined, and brought back again in the form of sugarcandy. Cashmere produces no sugar, but its refined sugars are celebrated as an article of luxury throughout central Asia. Under Act XXXII. 1836, sugar cannot be legally imported from foreign territories into the British provinces, and it remains prohibited under Act XIV. 1843. In order to prevent the prohibition having further operation than was intended, in consequence of the arbitrary meaning attached to the words Import and Export with reference to goods passing the frontier line, the 37th of the rules of February 10th, 1844 provides "that sugar, the produce of British territory, covered by a certificate of Origin prescribed by Section 3, Act XXXII. 1836, if brought across the line from British territory lying on the south and west of the line, shall not be held prohibited." But it is believed that this privilege is rarely, if ever, claimed.

27. The provisions for the levy of the duty on sugar are very sufficient, and little, if any, passes without payment.

Miscellaneous.

28. The miscellaneous articles paying duty prior to September 1st 1843, and the amount levied under each head for a

series of years will be found in the schedule, which forms a separate number in this packet. The total will not correspond with the entry in the Abstract Statement of Para. 16, because the return has been compiled from the Custom House, and not from the Accountant's records, and because many items of receipt, such as fees on Rowannahs, confiscations, fines, &c. are comprised in the latter, and not in the former.

29. The public have been greatly relieved by the remission of the duty on these numerous articles, many of which were in constant use, and exposed the possessors to much vexation. The abolition of the duty has also tended greatly to increase the efficiency of the preventive establishment. The captors are always held entitled to a large portion of the value of seizures made by them. Hence their attention was formerly directed, and their activity stimulated to make seizures of the more valuable articles, which yielded a small revenue to Government, and which could be easily concealed, such as gold thread, musk, &c. whilst they had small inducement to seize the bulky and highly taxed articles, such as salt, &c., which brought a large revenue to Government; Now the whole efforts of every person on the establishment are bent upon the proper regulation of the trade in the three simple articles of salt, sugar, and cotton.

30. There is every reason to hope that the present system of Customs Collections, introduced under Regulation XIV. 1843, will be less oppressive to the people and injurious to trade than the former system, and that it will yield a larger revenue to the state.

I have the honor to be, &c.

J. Thomason,

Lieut.-Governor of N. W. P.

Agra, the 12*th June*, 1844.

No. 11.

CUSTOMS ADMINISTRATION.

Letter to Government of India reviewing Customs Administration to the end of 1844-45.

No. 2403 of 1845.

To G. A. Bushby, Esquire,
Secy. to the Government of India,
Home Department, Fort William,
Dated the 7th June, 1845.

SIR,

SEPARATE REVENUE DEPARTMENT.—As the Lieutenant-Governor is desirous to lay before the Right Honorable the Governor-General in Council at the earliest period, the result of the new system for the collection of Customs on the north-west frontier, he desires me to submit the annexed statement compiled from the unadjusted accounts of the Collectors, and showing the comparative collections and charges for the years 1843-44 and 1844-45.

Rough Comparative Statement showing the actual receipts and charges in the Customs Department, in the North-Western Provinces, during the years 1843-44 *and* 1844-45.

Custom Houses.	Gross Collections.										Charges.		Nett Collections.	
	Salt.		Sugar, &c.		Cotton.		Miscellaneous.		Total.					
	1843-44.	1844-45	1843-44.	1844-45.	1843-44.	1844-45.	1843-44.	1844-45.	1843-44.	1844-45.	1843-44.	1844-45	1843-44.	1844-45.
Sirsa,	9,655	14,640	12,719	16,336	981	464	2,900	521	26,254	31,961	22.650	30,730	3,604	1,231
Kurnaul,	1,975	5,549	82,568	69 470	4,703	39	14,759	4,428	1,04,005	79,486	36,224	72,243	67,781	7,243
Hansee,	4,63,823	7,33,491	9,575	23,233	9,184	4,261	7,288	1,835	4,89 871	7,62,820	56,056	76,119	4,33,815	6,86,701
Delhi,	7,36,555	11,13,646	1,98,063	1,71,265	4,139	937	28,250	1,130	9,67,006	12,86,978	1,06,073	1,00,735	8,60,933	11,86,243
Hodul,	6,52,606	11,80,783	79,516	70,528	43,665	26,054	8,377	1,914	7,84,165	12,79,289	65,449	68,858	7,18,716	12,10,431
Agra,	10,49,627	11,55,884	67,571	62,011	1,43,795	1,10,022	23,698	912	12,84,691	13,28,829	1,12,030	1,09,053	11,72,661	12,19,776
Total Delhi division, ..	29,14,241	42,03,993	4,50,012	4,12,843	2,06,467	1,41,787	85,272	10,740	36,55 992	47,69,363	3,98,482	4,57,738	32,57,510	43,11,625
Mirzapore,	1,858	90	49,718	45,202	1,34,215	1,05,622	42,786	3,166	2,28,577	1,54,080	1,12,670	72,255	1,15,907	81,826
Allahabad,	6,23,999	6,12,800	14,069	13,615	24 132	21,642	..	2,012	6,62.200	6,50,069	21,346	44,189	6,40,854	6,05,880
Calpee,	2,150	5,074	52,588	34,765	1,64,726	54,815	47,157	144	2,66,622	94,798	54,536	37,186	2,12,086	57,612
Rajapore,	186	1,214	10,404	18.360	22,870	85,007	28	347	33,497	1,04,928	6,501	30,115	26,996	74,813
Total Mirzapore division,	6,28,193	6,19,178	1,26,769	1,11,942	3,45,943	2,67,086	89,981	5,669	11,90,896	10,03,875	1,95,053	1,83,745	9,95,843	8,20,131
Grand Total,	35,42,434	48,23,171	5,76,781	5,24,785	5,52,410	4,08,873	1,75,253	16,409	48,46,888	57,73,238	5,93,535	6,41,483	42,53,353	51,31,756
From adjusted accounts of 1843-44,									48,37,749		5,87,802		42,49,948	

2. Act XIV. 1843, only came into operation on September 1st, 1843, and the rules for giving effect to it some months later, and it is therefore evident that this is the first complete year in which the system has come into operation, or in which its results can be compared with those obtained under the former system.

3. The quantity of Salt, imported this year across the North West Frontier line in the Delhi Division, is greater than in any of the 4 years preceding the change, notwithstanding the enhancement of the duty.

1844-45,......	21,01,496	Maunds.
1842-43,......	18,92,909	ditto.
1841-42,......	19,99,282	ditto.
1840 41,......	18,99,534	ditto.
1839-40,......	20,98,617	ditto.

4. The quantity of Salt, paying the special duty at Allahabad, has not very materially varied for several years. It is said that Rock Salt imported by Sea viâ Calcutta has lately replaced the Lahore Salt in the markets in the Benares Province. On the other hand there is much reason to think that the removal of the Inland Chowkies on the Behar frontier has occasioned the introduction of some Western Salt into the markets in Behar. The only impediment to the perfect freedom of the trade in salt east of the Allahabad line arises from the maintenance of the prohibition contained in Sections 48 and 49, Regulation X. 1819, against the importation of Western Salt into the Lower Provinces, and from the enforcement of this rule by means of a River Chowkey. As the duty on Salt in Behar is now three Rupees by whatever route it may be imported, there seems to be no object on maintaining the prohibition, which cannot fail to be injurious to trade in general, and therefore both to the Government and people. The entire removal of this restriction is now under the consideration of the Bengal Government.

1844-45,......	6,12,800	Maunds.
1843-44,......	6,23,999	ditto.
1842 43,......	5,72,663	ditto.
1841-42,......	6,35,555	ditto.
1840-41,......	5,22,865	ditto.
1839-40,......	5,82,844	ditto.

5. There is some fear that the Revenue from the import of salt may be affected by the quantity of Salt thrown into the home market by the Saltpetre manufacturers. A certain quantity of impure alimentary Salt is necessarily produced in the process of manufacturing Saltpetre. This affords a cloak for

the establishment of works which are ostensibly for the manufacture of Saltpetre, but the profits of which are in reality derived from the sale of the salt. It is found very difficult to discriminate between bonâ fide and malâ fide Saltpetre works. Any restrictions on the manufacture will seriously affect the trade in Salt-petre, and it is therefore very advisable to abstain from such interference except under the most pressing necessity. A vigilant watch is maintained over the manufacture, and if the loss it occasions be found to be excessive, the subject will be separately brought forward.

6. The duties on the export of Sugar are less in 1844-45 than in 1843-44. The rate of decrease at all the Custom Houses is nearly uniform, and as the duty is light in comparison of the cost, and little or none of the article escapes payment, it is evident that the decrease arises from a less exportation this year than the preceding. The cause generally assigned is the shortness of the Sugar crop, occasioned by the early cessation of the rains of 1844. This, and the augmentation of price consequent on increased export by Sea, are probably the real causes. An Export duty which discourages this trade is certainly most objectionable in principle, and can only be defended on the ground of great financial exigency.

1843-44	576,781,
1844-45	524,785.
Decrease in 1844-45, ...	51,996

7. The import trade in Cotton has fallen off. This also is attributed to a scanty crop in the country lying west and south of the line. The dullness of the Cotton market has contributed to the result, and perhaps, some cotton which used to find its way to Calcutta by Sea, now takes the Bombay route by preference, in consequence of the abolition of the Inland duties there.

1843-44	5,52,410 Rs.
1844-45	4,08,873 Rs.
Difference,........	1,43,537 Rs.

8. But whilst the trade is in so depressed a state, it becomes of increased importance to do all that is practicable for its relief. With this view it has been proposed to the Government of Bengal to alter the mode of settling the duties on the Export of cotton by sea, prescribed in the note to Schedule B, Act XIV.

1836. As certificates of payment of import duty are furnished for almost all the cotton exported from Calcutta, it is proposed to dispense with the requisition of such certificates, and to grant a remission of duty to the extent of 8 annas a maund on all cotton exported whenever it is now liable to duty, or a bounty to that amount, where it is now free. This subject is under the consideration of the Right Hon'ble the Governor of Bengal.

9. Cotton imported from the Saugor and Nurbudda Territories is still subject to double duty, once in those Territories, and again on crossing the Frontier line into the Mirzapore district. The injustice and impolicy of this was pointed out by the Lieutenant-Governor in my letter of February 23rd, 1844, to the Secretary with the Governor-General, and again in Para. 24 of his despatch of June 12th last, and it is believed that the necessity of a remedy is fully admitted by the Government of India. The remedy, however, has not yet been applied, and the trade still languishes. It is hoped that the increased collections on the N. W. Frontier line will be admitted as an argument for abolishing all other Custom duties.

10. The Nett Collections from all these duties are very inconsiderable, when compared with the total receipts, whilst they are very mischievous both from their immediate effect on our own Territories, and from the example to all neighbouring foreign states.

	1842-43	1843-44
Saugor and Nurbudda Territories,	2,19,505	1,90,402
Ajmere and Mhairwara, &c., ...	61,242	85,011
	2,80,747	2,75,413
Custom receipts exclusive of the above.	40,74,528	48,37,749

11. An export trade of cotton is growing up to some extent across the North Western Frontier into the Punjaub. The course of this trade is by Delhi, Rohtuck, Hissar, and Sirsa to Ferozepore, and thence across the Sutlej into the Punjaub. Every effort is made to protect, and encourage this trade. *This* cotton used to pay duty, till the in-

Cotton exported under Rowannahs	
from Delhi, ...	8,639 mds.
Kurnaul, ...	23,585 do.
Total	32,224 do.

troduction of the new system. It is now of course free, and the export has been more than doubled in the last year.

12. Under the head of Miscellaneous, collections were made in 1843-44 on goods excluded from the Tariff by Act XIV. 1843. No comparison can therefore be instituted between the Collections under these heads in the two years; at present fines, forfeitures, and fees, are the only items that come under this head.

1843-44	1,75,253.
1844-45	16,409.
Decrease in 1844-45 ..	1,58,844.

13. The cost of collection has been reduced from about 12 per cent. on the gross receipts to 11 per cent., whilst in the Delhi Division, where the smuggling is most prevalent, the per centage has been reduced from nearly 11 per cent to 9½ per cent. In comparing the charges of the two years, it must be remembered that, for a great part of 1843-44, the old establishment was maintained unaltered, and was not adapted to meet the increased temptations to the smuggling of salt afforded by Act XIV. 1843. The apparent encrease of charge therefore results from the change, and no further material augmentation need be anticipated.

Charges in 1843-44, ...	3,98,482.
Ditto 1844-45, ...	4,57,738.
Increase in 1844-45, ...	59,256.

14. The Lieutenant-Governor, in the course of his tour during the past cold season, marched along a great portion of the North Western Frontier, and made every exertion to ascertain the real feelings of the people regarding the change of the system, and the character and efficiency of the present preventive line.

15. There is no reason to think that the present rate of duty on salt is esteemed a great hardship by the people at large. Amongst several thousand petitions which were freely presented on all topics affecting the people, this was not adduced as a grievance in one. With the people living on the line, upon whom the system falls most heavily, the change is undoubtedly popular. They gladly compound by paying a little more for their salt for immunity from the numerous other harassing imposts to which they used to be liable.

16. The line is generally strong, and efficient, as is evident

not only from the large receipts, but also from the high price of salt in all the markets east of the line. Head-load smuggling still takes place, and to a considerable extent, but it is impossible entirely to stop it. Scarcely any forcible resistance has been offered to the Customs Officers. All the smuggling has been clandestine, and the anticipation that the increased duty would lead to fatal rencounters between the smugglers and the Revenue Officers has not been verified. Many smugglers have been apprehended and punished with imprisonment under the Act. The demoralization which thence ensues is the worst feature of the case, and it yet remains to be seen to what effects this may lead. It must also be remembered that the past season has been one of tolerable plenty, when there was no particular pressure upon the people. In times of scarcity smuggling will probably be more common, and the bands of smugglers more daring.

17. The superior Officers in the Department are now so well paid, and the control which they exercise over their subordinates is so strict, that the oppression and extortion for which the department used to be notorious is very much reduced. There are no complaints that persons carrying articles not liable to duty are subject to detention and annoyance, and the strictest enquiry in many quarters tends to prove that there is actually but little, if any, ground for complaints of that nature. The Customs line is indeed considered by the Magistrates an important protection for the people. From Muttra to Delhi the Customs Chowkies are posted along the high road, which connect those two cities, and the road is consequently much more frequented by travellers than it used to be, on account of the security occasioned by the active watch of the Customs Establishment. The export trade in cotton to the Westward, already alluded to in Para. 11, follows the Hurreeannah line from Delhi and Sirsa, which it would not do if the Chowkies posted along that line unnecessarily interfered with it. These circumstances tend to show that the efforts made to repress extortion are effectual.

18. The Lieutenant-Governor sees no reason to apprehend that in ordinary years the income from salt will fall below what

it is at present, whilst there is reason to hope that the Collections from cotton and sugar may increase.

I have the honor to be, &c.

J. Thornton,

Secy. to the Govt., N. W. P.

Agra, the 7th June, 1845.

No. 12.

SETTLEMENT OF MOOSTAJUREE ESTATES IN BENARES.

Orders to Sudder Board of Revenue regarding the Settlement of Moostajuree Estates in Benares.

No. 2169.

To H. M. Elliot, Esquire.

Secy. Sudder Board of Revenue,

North Western Provinces,

Dated the 7th June, 1844.

Sir,

Revenue Department.—I am desired to acknowledge the receipt of your letter, No. 209 dated 30th April, regarding the settlement of Moostajuree and other non-zemindaree Estates in the province of Benares.

2. The Lieutenant-Governor is not aware that the law and practice in this respect has ever, till the present day, been called in question by any person, who was at all acquainted with the state of circumstances in the Province of Benares.

3. The estates which were not settled in Zemindaree in the province in 1795, have been, since that time, the fertile source of chicanery and fraud.

4. They constituted a heavy file which was presented to every successive Collector, and occasionally brought forward on lapses, or as the resolution of the Collector enabled him to face them.

5. Each case was burthened with a long list of claims. It was never for a moment doubted that it was incumbent on the Collector carefully and patiently to investigate these claims, and if he considered the Zemindaree right established, to admit the successful claimant. The right of the farmer to a Zemindaree settlement, or a settlement in perpetuity, was never suspected. If no Zemindaree claim was proved to the Collector's satisfaction, the former farmer, or another farmer, was admitted for another life, and the further investigation postponed.

6. The cases thus disposed off were each submitted to Government for sanction, and orders passed upon them.

7. These were generally cases of difficulty; a disputed title, an intrigue in the office, the accidental absence of the real proprietor, fraud on the part of the native subordinate officers, ignorance on the part of the European presiding officer, originally caused these estates to be thrown into the hands of farmers, and afterwards kept them there.

8. The claimants were told that their remedy was to sue in the Court, and obtain a recognition of their claim; some did so, and of those who did so, some were successful, and others failed. The risk was great. It is well known to what disadvantage a man appears in Court, as a claimant. The onus probandi is thrown upon him. Unless his proofs are complete, and he is fortunate in meeting with an able, patient, and impartial judge, his chance of success is small. If his claim is once dismissed, his hopes are for ever destroyed.

9. Many therefore, and those in cases most deserving redress, preferred waiting till the lapse of the farm, when they well knew that their claim must be heard, and when they were likely to have a fairer trial. It would be most unjust now to turn upon such men, and to inform them that their rights were considered to have lapsed, because they had availed themselves of an option, which had been always hitherto allowed, and had shrunk from exposing themselves to all the risks, which the administration of doubtful legal principles by fallible Courts notoriously involved.

10. The cases referred to Government for sanction were the cause of much perplexity. A blind assent was generally given to the proposal of the Collector, from want of ability to come

to any other conclusion. It was at the same time felt that no consistent principle ruled such cases, and that the Government might unconsciously be made the instrument of illegality and injustice.

11. It was this conviction which led first to the proceedings under Section III. Regulation IX. 1825, in the Province of Benares.

12. It was felt that some systematic method of proceeding was necessary. A plan was consequently organized, by which all these cases were simultaneously brought under review, fixed principles laid down for their decision, and the Jumma determined, as well as proprietary right recognized under equitable and consistent rules.

13. These proceedings in the non-zemindarree Estates, open to settlement, were combined with the demarcation of boundaries, and registry of right in the permanently settled Zemindarree Estates.

14. The two processes were perfectly distinct. The former had been languidly going on since 1795, and might have gone on for years in the same way. The latter was new, beneficial in itself, but only connected with the other process so far as it threw light upon the general state of landed property in the province, and enabled the Revenue Officers to proceed with equity and confidence with regard to the estates open to settlement.

15. It was on July 7th 1837 that the Government finally determined to follow out this plan, and intimated to the Board their disinclination to pass orders on insulated cases sent up to them as before. The determination was then formed to commence the operations which have since been successfully carried through, and have now reached their completion.

16. The Officers to whom this duty was entrusted proceeded carefully to lay down the principles on which they were to act. They rightly judged that the farmers were not entitled to confirmation in perpetuity of their leases, and recognition of their Zemindarree right, whenever a preferential claim could be advanced by village Zemindars. In such cases they determined who were the Zemindars, and fixed the terms on which they

were to be admitted to engagement on expiration of the farmer's leases. Where no Zemindarree claim was considered established, the farmers were admitted as Zemindars contingent on the confirmation by Government.

17. There can be no doubt of the justice and policy of such a mode of proceeding: It was calculated once and for ever to put an end to all disputes which had long been productive of evil to the province, to confirm the title to landed property, and to give confidence and security to all classes.

18. The Lieutenant-Governor is fully aware that the views of the Government have been carefully and diligently carried out. The able Officers mentioned in the course of this discussion laid down equitable rules, which were acted upon with care and ability. Many of the cases were most difficult, and admitted of great difference of opinion. In such the Local Officers, the Collector, or Deputy Collector, and the Commissioner, were most likely to be right, and the Board acted wisely in declining on light grounds to interfere with such cases. The disappointed claimant had still the Civil Courts open to him, and it was better that he should seek his remedy there, than from the Board, except in very extreme cases.

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I am, &c.

J. THORNTON,

Secy. to Government, N. W. P.

Agra, the 7th June, 1844.

No. 13.

SETTLEMENT OF DEHRA DHOON.

Orders on Settlement of Dehra Dhoon to Sudder Board of Revenue.

No. 293.

To H. M. Elliot, Esquire,
Secy. Sudder Board of Revenue,
North Western Provinces.

Dated the 22nd January, 1845.

SIR,

REVENUE DEPARTMENT.—I am desired to acknowledge the receipt of your letter dated November 29th last, regarding the state of affairs in the Deyra Dhoon, and to communicate to you the following instructions on the subject of the pending settlement, as the result of the investigations made by the Lieutenant-Governor during his late visit to that district.

2. In order fully to understand the subject it is necessary to revert to the settlement made in 1830, and extending for 10 years till the close of 1839. The principles on which that settlement was made are detailed in the letters noted in the margin. It was based on the assumption that the Government was the entire possessor of the land, and might bestow it on whom they liked. In virtue of this right, they made a settlement only of the cultivated land, bestowed it in proprietary right on the actual cultivators, and made the Teekadars, or former Malgoozars, servants of Government, to manage the villages and make the collections, receiving for their services 10 per cent. of the payments from the cultivators.

Letter from Major Young Superintendent, dated Nov. 28th, 1829.
Resolution of Government of March 16th, 1830.

3. Mr. Vansittart has questioned the justice or expediency of this arrangement. After full enquiry into the case, the Lieutenant-Governor has arrived at the conclusion that the proceeding was opposed to the principles observed by the British Government in other Provinces of this Presidency. When the Government, by placing a limit on its demands for a term

of years, created a valuable property, it had the right to vest that property in whom it pleased, but, here as elsewhere, it was just to give it to those parties who had in equity the best claim to it. It would appear that, in the Dhoon, there were villages in which the proceeding was equitable, because the land was in fact held by a number of cultivating proprietors. But there were also many villages, where this state of property did not exist, and where the same diversity of tenure was to be found as is apparent in other parts of the country. Some villages had been settled by private speculators, at their own risk and cost, within the recent memory of man, either during the Goorkah occupation, or in our time. In others were a body of proprietors cultivating in part themselves, and in part through their resident Assamies. In all these cases, justice and expediency demanded that the proprietary right should be vested in the first settlers of the villages, or in the old proprietors, and not, as has been the case in the mere Assamies, who had never claimed nor exercised any proprietary rights.

4. The assessment was on the cultivated land only, and at the rate of 3 annas per beegah uniformly. The waste land might be taken up by the nearest ryot, i. e. proprietor, on application, at rates increasing till the 5th year, when it reached the maximum of 3 annas a beegah; no village boundaries were marked off, but each village was left to extend itself as it could, and some new villages were settled by speculators on the above terms.

1st.	Year	½ anna.
2nd.	do.	1 anna.
3rd.	do.	1½ anna.
4th.	do.	2 annas.
5th.	do.	3 annas.

5. The extension of cultivation, however, was slow; and, in 1837-38, the Dhoon was thrown open to European speculators on terms much more favourable than those offered in 1830. The land was to be held rent free for 3 years, and was not to reach the maximum of 3 annas a beegah or 14 as. 6 gun. an acre till after 20 years, and then this rate was only to be laid on $\frac{3}{4}$ of the whole culturable area, $\frac{1}{4}$ being left unassessed. It is unnecessary to enter at length into the particulars of this proceeding. European speculators eagerly accepted the offers, and many grants were immediately applied for. The old native settlers in the Dhoon became alarmed, and feared that they were to be

hemmed in on all sides by European grants. The spur thus given to agriculture was very great. On March 1st, 1838, Colonel Young issued a notification inviting natives to come forward, and take the land near their villages, lest it should be given away to European grantees. The terms on which they were to take the land were not mentioned, but it is evident from the penultimate para. of the Commissioner's letter of January 5th, 1838, (approved by the Board on February 13th, 1838,) on the authority of which the proclamation was issued, that the more favourable grant terms were then understood to be offered only to Europeans, and that the natives were considered at liberty to take lands on no other than the old terms of 1830. However this may be, numerous applications were immediately made on all sides for waste lands, which were all approved, and intimation of them sent to the Tehseeldars. It was further said that pottahs would be given when the land could be measured off and assigned. Upon this, some land in many cases was broken up immediately, but pottahs were never given.

6. The measurement of the Dhoon under Captain Brown took place in 1838-39. The boundaries of all the villages were determined, and the cultivated, culturable, and barren land in each village measured here as elsewhere. The terms on which the settlement was to be made are contained in the Board's orders of June 2d, 1840.

7. Three annas per beegah, or 14 annas 6 gundahs was to be as before the maximum demand per acre, of which 2 annas and 16 gundahs or ⅛th was to be the right of the Mookuddum, and 11 annas and 10 gundahs the right of the Government. One-fourth of the culturable land was to be left unassessed to the village, avowedly for grazing, whilst the remainder was to be given on the grant terms of 1837-38 to the village, if they would take it, and if not to any other applicant. Unoccupied land beyond the limits of any village was to be at the disposal of Government, and to be assigned as they might see fit.

8. The actual cultivators were to be recognized as the proprietors of the soil, and the rights of the Mokuddums to remain as before.

9. Upon these principles, the settlement of 1840 was formed

by Colonel Young, but it has never yet been reported to the Government, nor have the principles on which it has been effected been ever yet brought under the consideration of the Government.

10. Exceptions have been taken to the assessment, and to the declaration of rights. On both these very essential points specific orders are requisite, and the Lieutenant-Governor desires me to communicate the following instructions respecting them.

11. The exceptions taken to the assessment are three.

First.—That faith has been broken with the persons who brought land into cultivation on the strength of Colonel Young's proclamation of March 1st, 1838, (V. Mr. Vansittart's letter of 18th March, 1843, paras. 14 to 18.)

Secondly.—That the Surveyor measured much land as cultivated, which in fact was not cultivated or occupied, and that as the settlement has now been made with the cultivating occupants, the rate on these lands cannot in some cases be realized. These lands are called Shamilat, (V. Mr. William's letter of September 28th, 1842, para. 9.)

Thirdly.—That the assessment has been fixed on the cultivated and occupied land according to the English professional measurement and not according to the native khusreh measurement, the former being in excess of the latter, whilst the latter alone shows in detail the extent of each proprietor's occupancy. This excess is called Beshee (V. Mr. William's letter of June 3d, 1842, paras. 3 to 8.)

12. The first of these imputations is the most serious, for the preservation of good faith is necessary. Several cases were therefore examined, in which this pledge of land on grant terms was said to have been given and violated. In all, the case was found to stand as already stated in para. 5. Application had been made and land promised on measurement; but the applicants without waiting for the pottah broke up the land, and, when the measurement was made, they pointed out the cultivated and occupied land adjoining their settled villages, as that which they expected to hold on grant terms. This application was rejected. The occupied and cultivated land was assessed at 3 annas per beegah; culturable lands, (if there were any in the

vicinity) equal to one-fourth of the cultivated were left free of assessment, and the excess given on grant terms. There was no breach of faith in this, because no grants had ever been made—but there was a disappointment of expectation, though this was owing as much to the precipitancy of the applicants as to any other cause.

13. Wherever, as in the case of Europeans, new villages had been located by natives in expectation of grants, those hopes should certainly be fulfilled, and if, in such cases, the full juma had been assessed, it should be remitted, the village given on grant terms, and the excess refunded. Such has been the course very properly pursued by the Board with regard to Mouzah Chutunwallah, Purgunna Suntour Western Dhoon, the property of Futtehsingh; and any other similar cases that may be brought forward, must be similarly treated. But where the newly cultivated land was merely added on to old settled villages, it may fairly be said that neither under the terms of the settlement of 1830, nor of the proclamation of March 1st, 1838, were they warranted in breaking up waste land till, after application, it had been measured off and granted. The terms of the settlement of 1840 were very liberal; to those they have agreed, and by those they must abide.

14. The other two exceptions to the assessment proceed on the ground that the people have an abstract right to the very favorable terms contemplated in the Board's orders of June 2d, 1840, and that if it can be proved that, from any cause, the terms they have obtained are not quite so favourable as they should have been under those instructions, they are entitled to a tantamount reduction. Now this position cannot be maintained. The Board merely meant to prescribe a general rule for guidance, not a fixed law for assessment. They neither intended to do the latter, nor had they the power to do so. The rule was followed to the best of the assessing officer's ability, and the settlement formed. If that settlement was fair, it must stand here as elsewhere; if on the other hand it can be shown to be excessive, or incapable of realization, here as elsewhere it must be reduced. As might be expected, the maximum of 3 annas per beegah is very unequal. It is so low that almost all land

can pay it, but it also leaves a very unnecessary and disproportioned profit to the proprietors of good land, and this profit is yearly increasing with rapidity as population increases and the value of land rises. Wherever the land can easily pay the assessment, there is no sufficient cause for reduction of juma because it can be shown that it fell at more than 3 annas a beegah, or that culturable land to the extent of one-fourth of the cultivated was not left unassessed. But wherever from these causes the land is really over-assessed with reference to its assets, the Collector is at liberty to recommend a reduction of the assessment.

15. Some difficulty arises from determining who is to pay the rate on the Shamilat or Beshee lands, but this has been in many cases already adjusted by the proprietors agreeing to distribute it on their holdings, or by the Mookuddum taking it on himself. Where this has been done, it should be confirmed, and where it has not been done, and yet the total assessment on the village is moderate, it should be done by the Collector. If the assessment is in itself higher than can fairly be demanded, it should be reduced by striking off the assessment on the Shamilat and Beshee lands, or in any other preferable way. It is believed that there are some cases in the Dains (or circles of high stony lands in the upper part of the Dhoon,) where reduction is necessary. There separate cultivated villages are intermixed with the lands of the Dains, and the hamlets of the Dains with one another to such a degree, that it was necessary to measure several villages or hamlets together according to the European scientific method. These were measured separately according to the native method, but the assessable area shown by the European method exceeded the total of the corresponding area as given by the native method. It is now impossible to say by whom the assessment on the Shamilat and Beshee lands should be paid, whilst the demand from the whole is very high and burthensome, and there was no culturable land which could be assigned free of assessment.

16. The determination of the rights of the present residents in the Dhoon is a subject of great importance and much delicacy. Here, as must necessarily be the case in every country, in-

security of title has materially affected the property of the country, nor will the district thrive, as it ought to do, till every man knows or has the means of knowing what his rights are. The difficulty, such as it is, must be faced, and the necessary remedy applied.

17. The Lieutenant-Governor has already expressed in para. 3, his opinion that the resolution of Government, dated March 16th, 1830, as carried into effect by the Local Officers, and afterwards confirmed by Government, was erroneous and injudicious. It was however within the competency of the Government to make the declaration, and the rights thus created, and now exercised for upwards of fourteen years, must be scrupulously maintained. But there is no necessity for extending the principles of that resolution further than was contemplated at the time they were assumed, or than is now universally the case. They have not been extended to the grants made to Europeans in 1837-38 and subsequently, and it is not right that they should be extended to any villages brought into cultivation by natives since 1830, as has now been erroneously done. Nor is it necessary that they should be extended to ryots settled in the old villages by the Mokuddums since 1830.

18. It remains that all those who were recognized as proprietors in 1830, or their heirs, or assignees, should be still regarded as proprietors, and that not only of the land they then held, but also of the land they may have since brought into cultivation and now hold. Towards such the Mokuddums are mere Government servants, called upon to collect from them, and in virtue of that Office entitled to a portion of the sum collected. Their Office is not heritable nor transferable, but they are liable to exclusion by the Collector for misconduct, or insolvency, or any other cause which incapacitates them from the right discharge of their duty.

Extract from Resolution of Government, dated the 16th March, 1830.

7. That the Mokuddums be distinctly regarded as Officers of Government liable to be removed, if they shall fail to promote the public interests and to give satisfaction to the people; but otherwise to be continued as proposed in the 20th para. of Major Young's report, and should any individual be removed for misconduct, (the general arrangement continuing) a preference shall be given to persons of the same family if otherwise qualified.

Extract from Major Young's letter, dated 28th November, 1828.

20. The right of succession to Mokuddummee should be hereditary by entail to the next male heir without the power of selling, willing it away, or sequestrating it in any manner.

19. The cultivating proprietors in event of their default are responsible to the Government in their persons and property. Their land may be sold, their personal property may be distrained, and themselves imprisoned. The Mokuddum is required to aid in these processes, and to assist in making arrangements for the land. He is also at liberty to take the land if no better offer be made, but he cannot be compelled to take the land. The cultivating proprietors are not jointly responsible, one for the other, nor is the Mokuddum responsible for the default of the cultivators otherwise than that he is liable to be displaced from his post of Mokuddum if he is unable or unwilling to collect the juma of the village.

20. Assamees in villages that were settled in 1830, who have been located since that date should be considered the tenants of those who located them, whether Mokuddums or proprietors. The land they hold should be entered as the property of the person who located them, and they put on the footing of Koodkasht Assamees paying a rent fixed by special contract, or varying according to the custom of the Purgunnah, but possessing no heritable and transferable property. If they have located themselves, they will of course be proprietors.

21. Villages, which have been located since 1830, will be settled in full proprietary right with the locators, care being only taken that the terms made with the resident Assamees are maintained.

22. Culturable land to the amount of one-fourth of the cultivated land was left free of assessment under the impression that it was required for grazing purposes. This was a mistake. There is grazing land in abundance elsewhere, and the culturable land has been generally broken up. Where this has been done in old settled villages, it will be considered the property of him by whom or at whose cost it was broken up ; where it has not been broken up, it must now be decided who has the right to break it up. Each proprietor is entitled to a plot proportioned to his property, but if he is unable or unwilling to occupy it, it should be offered first to the Mokuddum, and next to any other proprietor willing to take it up. If no one will take the land, it may be left unappropriated with a declaration

that each proprietor is entitled to a certain portion, and may break it up when he likes.

23. In para. 19 of his letter of March, 1843, Mr. Vansittart mentions several villages settled in 1830, where the Ryotwarree character of that proceeding has never had effect, and the Mokuddum has remained to the present day sole proprietor. This opinion rests on no recorded document, but on the known fact that, in these villages, the cultivators have continued up to the present date to pay to the Mokuddum, a fixed portion of their crops either by kun or buttai, and have never paid according to the sum assessed on them at the time of settlement, nor exercised any rights of transfer. In such cases the right may be held to have lapsed, even supposing it now to be claimed. But it is most desirable that the records should not stand as they now do, exhibiting a false and pre[illegible] state of property. If the cultivators assert the righ[illegible] should be made to exercise it; otherwise they shou[illegible] to relinquish in favour of the Mokuddum who is the [illegible]nce. [illegible]essor of it. Each case should be examined, and some arrangement made between the Mokuddum and the cultivators.

24. It requires no very great labour to follow out these principles in the Dhoon. The villages are few, and the Lieutenant-Governor has full confidence in the ability and discretion of Mr. Vansittart to carry out all the measures which are requisite.

25. The juma settled by Major Young will be immediately confirmed on its being reported by the Board, but confessedly liable to reductions when they may be found necessary by the Settlement Officer. In all other respects than inability to raise a confirmed juma, Mr. Vansittart is hereby invested with full powers, as a Settlement Officer under Regulation VII. 1822, and Regulation IX. 1833. Under these powers, it will be necessary for him to take up the case of each village, determine all the rights in it, and hold a proceeding declaratory of these rights.

26. It remains to notice a few cases where villages have lately fallen into decay, and where other new villages are forming.

27. Much of the land in the Dhoon is of little value. The population is scanty, and the impediments to residence, arising from the unhealthiness of the climate and from the want of water so great, that there is difficulty in forming new villages, or even maintaining the old ones. The inhabitants are not much attached to the soil, and, when the very favourable grant terms are contracted with the settlement terms, it is not surprising if the men sometimes desert their old settled lands in order to take up new lands. This indeed would have been much more the case than it has, had it not been that the debt to Government during the period of settlement has been considered personal, as has already been stated in para. 19. A man was not allowed to resign his lease, and if he left the land, he was obliged so long as he remained in the Dhoon to pay the demand, unless he could obtain another pers[illegible]n, w[illegible] to take the lease from him. This perhaps was necessary [illegible]ould be [illegible]he circumstances of the case. It was not illegal, and, w[illegible]m, and they [illegible]ral terms granted to the people are considered, it was n[illegible] rent fixe[illegible]le.

28. Still there are several cases in which death or desertion from the Dhoon have depopulated small villages, which cannot now be restored. The longer retention of these on the rent-roll is unnecessary, and authority will be given for striking them off and remitting the existing balances on them, as soon as Mr. Vansittart submits a list of them, with a brief statement of the circumstances which occasioned the decay of each.

29. Mr. Vansittart has exerted himself with much zeal to establish new villages. The orders of Government, dated June 22d last, have decided the terms on which such grants should be given, and the orders of Government, dated November 18th, 1839, para. 6th, vested the local Officers with authority to give such grants to natives on condition of their being reported to Government for sanction. The annexed form of pottah seems to meet the requisitions of the case, and there is no objection to the immediate grant of lands on these terms, provided the boundaries be first determined and marked off, that each grant do not exceed 4,000 acres, and that tenders for higher terms have been invited, but not made, as prescribed in para. 4 of the orders of June 22d last. These grants must be reported for

confirmation, as soon as engagements have been exchanged. Grants to Europeans must, under the orders of November 18th, 1839, be reported to Government as definitively settled by the local authority before engagements are exchanged.

30. The Lieutenant-Governor is desirous that every encouragement should be given to Mr. Vansittart in his endeavour to bring the waste lands of the Dhoon into cultivation, by the formation of new villages, and by liberal grants of Tuccavee. It is only necessary to guard against the injury of old villages by the establishment of new ones, and of this Mr. Vansittart seems fully aware. The advantages possessed by settlers in the Dhoon are not few, and there is every prospect that agricultural operations will succeed if they are prudently and economically conducted, and care be taken to give good titles, and scrupulously to respect and protect all rights to landed property.

31. A copy of this letter has been given to Mr. Vansittart for his information and guidance.

I have the honor to be, &c.

J. THORNTON,

Secy. to Government, N. W. P.

Agra, the 22d January, 1845.

Know all men by these presents, that the Hon'ble the Lieutenant-Governor of the N. W. P. has been pleased to confer on Mr. ——— his heirs, executors, administrators and assigns, the grant of a tract of waste land measuring British statute acres ——— situate in ——— to be holden by him on the conditions hereafter stated, that is to say, for the first fifty years on the following conditions.

1. To clear according to the undermentioned proportions the whole tract within the period of twenty years with the exception of ——— acres of the remainder deducted as approved of by Government.

2. If no commencement be made to clear within the first year, the settlement to be void, and the grant resumable by Government, who may settle it with any other person.

3. If one-fourth of the whole culturable land be not cleared and cultivated within the first five years, the remainder to lapse to Government, or a settlement be made with any other person, and the grantee to be liable to a fine of 4 annas for every acre of the one-fourth remaining uncultivated.

4. If one-half of the whole culturable land be not cleared and cultivated in ten years, the remainder to lapse to Government, or a settlement be made with any other person, and the grantee to be liable to a fine of 4 annas for every acre of the one-half remaining uncultivated.

5. If three-fourths of the whole culturable land be not cleared and cultivated in twenty years, the remainder to be at the disposal of Government, and the grantee to be liable to a fine of 4 annas for every acre of the three-fourth remaining uncultivated.

6. A fine incurred under any one of the three preceding clauses shall be leviable from the cleared portion of the grant in the same way as any ordinary balance of land revenue, but the person and other property of the grantee shall not be liable for it.

7. To pay according to the kistbundy's in use in the Dehra Dhoon the following yearly Jumma, viz.

Year F. S.	Juma.	Year F. S.	Juma.
1 .... or .... ,,	Nil.	16 .... or .... ,,	
2 .... ,, ... ,,	Nil.	17 .... ,, ... ,,	
3 .... ,, ... ,,	Nil.	18 .... ,, ... ,,	
4 .... ,, ... ,,		19 .... ,, ... ,,	
5 .... ,, ... ,,		20 .... ,, ... ,,	
6 .... ,, ... ,,		21 .... ,, ... ,,	
7 .... ,, ... ,,		22 .... ,, ... ,,	
8 .... ,, ... ,,		23 .... ,, ... ,,	
9 .... ,, ... ,,		24 .... ,, ... ,,	
10 .... ,, ... ,,		25 .... ,, ... ,,	
11 .... ,, ... ,,		26 .... ,, ... ,,	
12 .... ,, ... ,,		27 .... ,, ... ,,	
13 .... ,, ... ,,		28 .... ,, ... ,,	
14 .... ,, ... ,,		29 .... ,, ... ,,	
15 .... ,, ... ,,			

Year.	Rate per Acre.			Year.	Rate per Acre.			Year.	Rate per Acre.		
	R.	A.	G.		R.	A.	G.		R.	A.	G.
1st, 2d & 3d,		Nil.		6th,	0	6	2	9th,	0	10	15
4th, ...	0	3	0	7th,	0	7	13	10th,	0	12	6
5th, ...	0	4	11	8th,	0	9	4				

These Jummas are to be recoverable according to the rules and regulations in force for the collection of the revenue from malgoozars, farmers, &c. in cases of arrears.

8. The standard of measurement to be the British standard acre consisting of 4,840 square yards, and the Government shall be at liberty to measure the land in the 6th, 11th and 21st years, with the view of ascertaining that the conditions respecting the clearance of the specified portion of land by each of those periods have been fulfilled.

9. The grantee to erect boundary marks round his grant, and to keep them in a state of repair.

10. The public highways are not considered included in the grant, of the land through which they run, and remain the property of the state.

11. The grantee is to pay a contribution of one per cent. per annum on the amount of his Jumma for the year, for the repairs of the high roads in lieu of all demands of the state for aid in repairing the high roads. The grantee will have no claim on the Government for making or repairing private roads.

12. The right of Government to take lands for roads, canals or other public purposes in the mode laid down by Regulation, is to remain in force in the lands included in this grant.

13. All rights of way for men and cattle from the villages to watering places and from villages to the high roads, are to be respected, and any dispute to be settled by the Magistrate under the control of the Commissioner.

14. The right to all mineral products found within the grant is reserved to Government, and the grantee shall not deprive the public of the use of the natural products of the ground to the

extent, and on the terms under which they may have hitherto enjoyed them.

15. The right of distribution of water for irrigation is reserved to the state, Government will direct such cuts and sluices to be made as may appear proper.

16. The grantee is bound to conform to such rules regarding police arrangements as may be determined on, and to appoint and support a Goujat for each inhabited village if required.

17. The grantee is bound to conform to all regulations and acts of Government in common with all other landholders.

NOTE.—The lands included in this grant are shewn in the

No. in Map.	Name of Grant.	Name of Grantee.	Total area in Acres.	Deduct irremediably barren Acres.	Remains useful area Acres.	Deduct ¼ as approved by Govt.	Area to be engaged for.
..	..	....	..	..	..	..	..

subjoined Table. And provided the said conditions be well and truly fulfilled, then from and after the lapse of the said term, the lands to be holden on the same conditions and subject to the same rules and regulations as all other landed tenures, paying revenue to the British Government in the North-Western Provinces.

By order of the Hon'ble the Lieutenant-Governor North-Western Provinces dated at Agra this ——— day of ——— in the year of our Lord One thousand eight hundred and forty ———

Examined and Registered as No. —— in the Secretary's Office, Revenue Department, N. W. Provinces.

J. THORNTON,
Secy. to Government, N. W. P.

No. 14.

BHEJ BURAR TENURES IN BUNDLECUND.

Note regarding the Bhej Burar Tenures in Bundlecund.

The question regarding landed tenures, especially in Bundlecund, is so important, that I am induced to place on record the opinion I have been led to form on the subject during my short visit to the district. It is, however, necessary to premise that the view here taken is founded on cursory examination, and brief research. It must be considered as an imperfect sketch of what may probably be found to be the real state of circumstances, and should be used by the Local Officers, rather as a paper of hints to direct their own researches, than as a correct statement of what actually exists.

The term Bhej Burar in the district of Bandah is applied to those estates in which the Government demand and the village expences are made good by a rate (burar) on the land, and not according to ancestral shares. The mode of levying this rate varies in different villages, but the generic characteristic of the tenure is that the rate is not fixed, but liable to readjustment under certain conditions. The tenure is a kind of Bhyachara, distinguished from others by this feature. The tenures may be Putteedaree, imperfect Putteedaree, or Zemindaree.

1. In perfect Putteedaree tenures, the whole land cultivated, bunjur, and waste, is divided and held in severalty by the proprietors. At the time of settlement, the Jumma is distributed over the several holdings, and so long as the distribution then made holds good, each proprietor is bound, according to that proportion, to pay his share of the village expences, and his portion of the sum to be made good in consequence of the insolvency of any of the proprietors.

2. In imperfect Putteedaree, part of the Mehal is held in severalty, and the remainder being either waste, bunjur, or cultivated by Asamees, is common. In these cases, at the time of settlement, the proportion is fixed in which the balance of Government Jumma, and village expences, is to be made good, after the proceeds from the common land, (if there are any)

have been carried to credit. This rating is also liable to change, and more so than in the preceding case, because proprietors are generally allowed to bring into cultivation according to their means the common bunjur, without necessarily altering the proportion in which they are to contribute to the village charges.

3. In Zemindaree villages, there is no fixed separate property in the land. Each man is rated according to his means, and the cultivation is arranged at the commencement of each year according as circumstances may decide. The rate is liable to variation here also, more so than perhaps in the preceding cases. This form of the tenure may be rare, but I believe it will be found to exist.

It is immaterial to the character of these tenures whether or not the community be divided into Thokes, or Puttees. This is merely the grouping of the proprietors into principal and subordinate families, which does not necessarily affect their rights or profits. In one respect it may be advantageous. It may facilitate the separation of a large community into several mehals, which can be more easily dealt with in detail than as a whole. This will be more especially the case, when the lands of each Thoke or Puttee lie together, and are not intermixed the one with the other.

Nor is it essential to the character of the tenure whether or not the non-proprietary cultivators pay at fixed rates, or whether the village charges are borne by them in the same way as by the proprietors, i. e. whether or not they pay the burar. The latter is merely a mode of paying their land rent which may have been occasioned by some emergency, or be justified by some peculiarity either in the circumstances of the village or the character of the inhabitants.

The soil of Bundlecund is very fertile, but its produce uncertain from the impossibility of irrigation. In this peculiarity is probably to be found the origin of these tenures. Combined effort, dependent more on the wealth and resources of each proprietor than on his actual cultivation in the year, was the more necessary in order to meet the demands of the community, and determination on the part of the wealthy to make good amongst themselves the occasional insolvencies of the weak was indis-

pensable, if the integrity of the community was to be maintained.

Whatever be the origin, these, or something of this nature, are the characteristics of the tenure, and care is necessary in any attempts to change them.

In the natural course of things, as property in land becomes valuable, and the people better informed as to their true interests, it is to be expected that individual rights will lose their uncertainty and become more fixed. Light assessment, good seasons, and increased population will accelerate the result. The former of these causes only is immediately in the hands of the Government, and undoubtedly the assessment of these tenures ought to be lighter in proportion to their want of certainty or rather fixity, other things being equal.

As they advance in fixity, it will always be doubtful what form they will assume. If ancestral shares are known, as they very generally are, these will probably become the measures of the rights of the proprietors, and the actual holdings will be brought into conformity with them. If ancestral shares are not known, the partition of the estate will be entirely carried out, the rating on the several holdings will be permanent, and the solvent proprietors, instead of making good by a rateable contribution the default of an insolvent sharer, will be ready to pay it up on condition of being placed in possession of his holding.

Some such change as this has taken place, and is still taking place in Humeerpore. At the time of settlement, Mr. Allen and Mr. Muir persuaded, or thought they had persuaded, the village proprietors to give up the two characteristics of the tenures, the liability of the burar to change, and the obligation on the solvent proprietors rateably to make good the default of the insolvent.

The administration papers in that district show three tenures.

1. The Rukbah Burar or pure Putteedaree, where all the land is divided, the quota of the Jumma to be paid by each proprietor fixed for the term of settlement, and each man made to bear his own expences, and be liable in his land for his own default.

2. The Muzrooa or Malgoozaree Burar—where the culturable or unculturable portion only of the mehal is so divided.

3. The *Annah* Burar—where the land is cultivated by proprietors or non-proprietors at fixed rates, and the whole proceeds thrown into a common stock, which is divided amongst the proprietors according to their ancestral shares.

It is very doubtful how far these agreements, when they did not cause great and immediate changes in the distribution of property, have actually been carried out. The force or effect of these agreements is yet imperfectly understood by the people, and some papers I have seen lead me to think that the recorded stipulations, especially regarding the default of insolvent proprietors, are not observed.

At the last settlement the assessment of Humeerpore was much reduced, the seasons have since nearly been of average goodness, and the revenue administration has been firm. These circumstances have occasioned the easy and punctual realization of the demand, and no exigency has arisen to try the permanency and efficiency of the arrangements.

In Bandah it has been otherwise. The assessment had been before much reduced, and needed no further great reduction; the seasons have been less favourable, the district has been disturbed by the dissensions of the principal Revenue authorities, and the papers were perhaps compiled with less care, patience, and discrimination than in Humeerpore. Large balances have ensued. The people have refused to pay according to the new and recorded constitution of the village, and claim new burars. It is most evident that the false step must be retraced here. The actual incidents of all the tenures must be carefully ascertained and fully recorded, and no change admitted, which the people do not thoroughly understand, and themselves desire.

The present officiating collector of Bandah, Mr. Rose, is well able to correct and fill up this imperfect sketch. I look to him with confidence for a complete disquisition on the important subject. A thorough comprehension of the nature and incidents of the landed tenures is essential to the right administration of the Government in these provinces in all departments, the Judicial and the Police as well as the Revenue.

J. THOMASON,
Lieut.-Governor of the N. W. P.

The 4th April, 1845.

No. 14. [A.]

SETTLEMENT OF BANDAH.

Orders to the Sudder Board of Revenue on the Settlement of Bandah.

No. 1504.

To H. M. Elliot, Esquire,

Secy. to the Sudder Board of Revenue.

Agra, dated the 12*th April,* 1845.

SIR,

REVENUE DEPARTMENT. The Lieutenant-Governor desires me to communicate to you, for the information and guidance of the Sudder Board of Revenue, the result of his late visit to Bandah, and the course which he wishes to be pursued in the future management of that district.

2. Since the formation of the late settlement by Mr. Wright, great real balances have occurred, and a considerable balance is outstanding for the official year, now drawing to a close, whilst a still further balance is anticipated in the approaching Rubbee. This is variously attributed to bad seasons, over-assessment, and erroneous or defective record of rights. Enquiry was directed to determine which of these was the real cause, or in what degree each operated.

3. It is remarkable that the settlement of Humeerpore, which was commenced from the beginning of 1842-43, and was avowedly made on the same principles and in the same way, has stood remarkably well. The whole demand has been realized with a remarkably small balance and the absence of any coercive measures.

4. There is no sufficient reason to believe that the last three seasons have been peculiarly unfavourable. Partial injury to crops has certainly occurred in some cases from scanty or untimely rain, as is commonly the case in all districts, and more particularly in one so greatly dependant on rain as Bandah is.

5. The late assessment of the Bandah district does not seem to be generally heavy with reference to the quality of the land, or the resources of the people. The Government demand had been much reduced from its once extravagant rate long before the settlement, and no considerable enhancement of the reduced demand has now been made. In some cases the demand may be heavy with reference to present assets, but there is no cause to believe that those assets are now less than they were, or than they might have been fairly expected to be owing to other causes, which remain to be stated.

6. A very common tenure in the Bandah district is known to be that which is there called the Bhej-Burar.* The whole part of the land is generally held in severalty, and the Government demand is distributed on the separate holdings; this distribution being liable to occasional re-adjustment, and village expences and balances arising from the insolvency or embezzlement of one sharer being made good by an additional rate on the holdings of the rest, corresponding with the distribution of the Jumma. These tenures are evidently open in their constitution to much objection. Mr. Wright appears to have imperfectly understood them, and to have endeavoured to weaken the joint responsibility which bound them together, without making it clear to the people on what terms they were hereafter to hold, nor following out, to their full extent, the principles which he wished to introduce. By the agency of Punchayets, ancestral shares were declared, or holdings separated, or rates fixed, or dispossessed claimants admitted, without that full understanding on the part of the people of the nature and the result of the change, which could alone make them successful or beneficial.

7. Some changes of the same sort were effected by both Mr. Allen and Mr. Muir in the Humeerpore district, and with very great success. But they were made more carefully, more

* The more lengthened discussion of this subject, as it involves much matter of individual opinion, and must be held open to correction, is contained in a separate note by the Lieutenant-Governor, copy of which has been prefixed to this despatch.

leisurely, and more accurately. The subsequent administration of the Humeerpore district has been vigorous, and the revenue has been punctually realized in all cases.

8. In Bandah the character of the administration from the commencement of the Settlement has been very different.

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10. Mr. Rose who is now in charge will have little difficulty in applying the proper remedies to existing evils.

11. The Board are now requested to make over all the settlement proceedings to Mr. Rose, and to consider him invested with full power to revise what has been done. His chief attention will be paid to the subject of the landed tenures. Having fully satisfied himself in each case what were the former peculiarities of the tenure, he will address himself most cautiously to the introduction of any changes. Such alterations will always succeed in proportion as the people understand and cordially assent to them. Those peculiarities of their present custom which tend most to discourage industry, by making its efforts uncertain, are generally the result of scanty population, high assessment, and consequent low value of land. As the value of land rises, the people will themselves adopt more salutary customs. The object of the present settlement should be to define and fix, rather than to change, existing customs.

12. Whenever Mr. Rose may find that Mr. Wright's proposed jumma presses injuriously on the resources of the people, he is empowered to reduce the demand for a few years, or entirely. This discretion will however be sparingly and cautiously used.

13. In the adjustment of past real balances, which have accrued since the time of settlement, some indulgence will be requisite. Village communities consisting of needy cultivators, when they have once fallen into balance, are seldom able to recover themselves, and make good their default. When this default has been occasioned by the errors or misconduct of the Officers of Government, it is hard to expect the people to make good the whole loss. In the present case, there can be no doubt that much of the existing balance has arisen from a failure to demand firmly its payment at the right time, and

from the proper persons. It cannot now be recovered without causing an extensive alienation of property, or the ruin of many industrious cultivators. Such a result cannot be desired. Wherever the communities come forward openly to make arrangements for the future punctual payment of the Government demand, Mr. Rose is at liberty to propose the remission of such part of the existing balance as he may think it right to relinquish.

14. The case is different with regard to wealthy landholders, purchasers of estates, or farmers, who may have withheld payment during the late relaxation of all proper control on the district. These are entitled to less indulgence, and the balance due from them should not be remitted except in peculiar cases.

15. In the settlement of some lapsed maafee tenures, Mr. Wright is understood to have assumed to himself an option, which he could not exercise without the express sanction of the Government, under Regulation XIII. of 1825, Section 5. He is said to have made the settlement with the Maafeedars, and allowed a *Malikana* to the Zemindars or proprietors. This in general is an objectionable arrangement. It is for the most part preferable to settle with the Zemindars, and give a pecuniary allowance to the Maafeedars. Mr. Rose is authorized to revise these arrangements, reporting for special sanction those cases in which he may find sufficient grounds for upholding the arrangement that has been made.

16. As it is not intended in any case to augment the jumma fixed by Mr. Wright, the Board are requested to consider that as the sanctioned maximum demand, and to adjust with that amount, and without further orders, the nominal balances which have occurred since the commencement of the settlement. Mr. Wright's demand will be entered in the future kist-bundies and Hal Touzeehs, till its further alteration may be authorized by Government.

17. It is very desirable that Mr. Rose should have every possible assistance in the management of this district now entrusted to him. Besides Mr. A. Raikes, the Joint Magistrate and Deputy Collector, there are now two Deputy Collectors under Regulation IX. 1833 employed in the district, Mr.

Blackall, and Aman Alley. If besides these, further assistance is absolutely requisite, Mr. Rose is authorized to entertain it, reporting for the ultimate sanction of the Government of India the amount of establishment, the nature of the work to be entrusted to them, and the period for which they will be required. Generally however exertion should be made to compile the papers through the Sudder Amlah, aided by the Purgunnah and village Officers. The employment of the latter in the preparation of all village papers is of particular importance, because it combines their instruction with the economical performance of a duty essential to the welfare of the community they serve.

18. A copy of this letter will be sent direct to Mr. Rose, as it is of importance that he should be placed as early as possible in possession of the views of the Government on the subject.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 12th April, 1846.

No. 15.

SETTLEMEMT OF DELHI.

No. 3277 of 1845.

To H. M. Elliot, Esquire,

Secy. to the Sudder Board of Revenue, N. W. P.

Dated the 31*st July*, 1845.

SIR,

REVENUE DEPARTMENT.

In continuation of my letter to your address, dated March 2d, I am now directed to communicate to you some remarks on the settlement of the Delhi division.

2. The Lieutenant-Governor having lately passed through every district in the division, except the Bhutty territory which will shortly be separated from it, has possessed full opportunities of observing the nature and effects of the settlement.

3. There can be no doubt that the settlement is with few exceptions very light, and such as in ordinary years can be easily paid, and leave the Malgoozars a fair profit. In some of the Baranee villages, seasons of drought and scarcity, especially if continuing for successive years, will cause distress, and need consideration. But again in good years the profit from those villages is very large, and it may be fair, except in great calamities, to realize in good years what may have been suspended in bad years.

4. There can be no doubt of the justice and policy of the extensive reductions made at the last settlements. The Board deserve much praise for having insisted upon them as they did, and will no doubt view now with satisfaction the happy result of the principles which they then advocated.

5. It is true that there was formerly a great want of method in the revenue administration of the country, and the Board have exerted themselves with success to introduce greater regularity therein. But it may be doubted whether the time has not arrived when a further step may be made in advance. The rules, introduced by the Board into the Delhi territory on 20th January 1837, were a great improvement on the previous practice; but they admit now of amendment. Those especially

which affect the collection of the revenue might be abrogated, and the practice enjoined in the Regulation might be enforced. The Board are requested to take this subject into their consideration, and to report separately upon it.

6. The Lieutenant-Governor is not able to concur with the Board in the opinion expressed in para. 12, that the soil is naturally sterile, or that the people are poor, and in the lowest state of misery. The soil is generally fertile, if by any means it can be irrigated; whilst the villages are substantial and well built, and the inhabitants as fine a body of well clothed, independent, manly peasantry, as any country can produce.

7. The Lieutenant-Governor proceeds to record a few remarks on each district of the territory.

Hissar District.

8. The very large reductions made in this district by Mr. S. S. Brown were most wise and successful. It was vain to expect, in such a country and such an arid climate, that a high rate of assessment, which was paid for a few years when the surrounding country was in a distracted state, and the Purgunnah for a time a place of refuge for the neighbourhood, and when the soil was fresh and peculiarly productive, should be maintained when the introduction of order and settled rule in the vicinity withdrew a part of the population, and when the soil became exhausted. There is every reason to believe that the lightness of the present assessment will tend to fix the population, give them habits of industry and application, and will confer on landed property a value which has long been unknown.

9. It is evident from Mr. S. S. Brown's remarks on the settlement of the Canal villages of Purgunnah Hansi, that the fairness of his assessment depended on the maintenance of a supply of a water in the Canal, equal to what was then furnished. It is well known that this expectation has not been hitherto realized. From the year of settlement, the supply of water fell off; and during the rains of 1844, from unavoidable causes, the flow of water was for months entirely interrupted, and the channel of the Canal left dry. Great efforts have since been made

to remedy this evil, and it is hoped that hereafter the efficiency of the Canal will be very greatly increased. Intermediately, all the effects of an artificial draught have been felt in the Canal villages. For some of the recusant villages, engagements have not yet been taken ; and balances have occurred in some of the settled villages. It will be better to meet these partial failures by equitable remissions, and to allow the jumma to stand as it has hitherto done, till further experience shows how far it can be paid when there is an ample supply of water in the Canal. The principles on which Mr. S. S. Brown fixed his assessment appear so fair and liberal, that his jummas should not be reduced, except on proof of some permanent error or miscalculation. If eventually it be found necessary to revise these settlements, the very pertinent observations on the subject of settling villages irrigated from the Canal, which are contained in paras. 26—44 of Mr. C. Gubbins' report on Purgunnahs Kurkhondah and Mandhata, dated November 30th, 1838, should be borne in mind.

Rohtuck District.

10. The remarks of Mr. M. R. Gubbins on the tenures and the present state of the landed property in this district render this an appropriate opportunity for introducing some observations on the village communities which exist particularly in Rohtuck, and generally throughout the Delhi territory. Similar communities exist all over the country; though, in the Delhi territory, the peculiar system of revenue administration has kept them more entire than elsewhere.

11. The tenures may be designated coparcenary, where the profits from the land are distributed according to a local custom ;—the land being all, or in part, divided between the several proprietors, who live upon the surplus produce of the land, after payment of the Government jumma, which is distributed according to a bachh or rate upon the several holdings.

12. The distinctive feature of these communities, which binds them together, is their joint responsibility for liquidation of the Government demand. The Government fixes its demand upon the villages, and this they are severally and jointly bound to

make good, according to their local custom, through their appointed representatives or mokuddums.

13. But it is not to be supposed that the condition of these communities is stationary, or that they fail to conform themselves to the varying circumstances of the time. They are now, after a long course of years, subjected to a strong Government, desirous to recognize and confirm all their rights, and to promote industrious habits amongst them. It is curious and useful to examine what effect this state of things has already made, what further change it is likely to make, in what stage of the change we already are, and what may be done to lead and give a beneficial direction to the change.

14. Under former governments the villages were held together by the necessity to provide for their safety, and resist aggression. A powerful village was easily able to repel the attacks of armed marauders who attempted to plunder them, and often baffled the efforts of the troops of the ruling power sent to enforce a just demand. The martial habits, engendered by the necessity for self-defence, naturally led them to prey on their weaker neighbours, and they often enriched themselves by the sack of a contiguous village or the raid of their cattle. Under such circumstances the demand of a strong government, or the payment the village might find it politic to make, would be proportioned not only to the extent of their cultivation or number of their cattle, but also to the number of their families or fighting men. Hence arose the system called choribacha, which distributed the payment of the Government demand partly on the land and cattle, and partly on the hearths and turbans.

15. This mode of rating the proprietors was of course inapplicable to more settled times, when plunder was prevented, and peaceful agriculture or pasturage left as their only means of subsistence. The temporary enforcement of the choribacha system was the inconsiderate application of a byegone custom, and of course failed. Under the present system, the produce of the land either under tillage or pasturage should alone be looked to as the ordinary available asset to satisfy the Government demand.

16. When this was first perceived, the demand was made

only on the representatives of the village, and no attempt was made to levy the balance from the individuals from whom it might be due. The whole community was held jointly responsible for the whole demand, and, on failure to make it good all were indiscriminately proceeded against, and the whole estate was confiscated, or sold, or farmed. The injustice and impolicy, as well as the impracticability, of maintaining this were palpable, and a further operation was then felt to be requisite.

17. In order to ascertain how the assets should regulate the contributions to the common stock, it became necessary to measure and appraise each separate holding, and to call upon the community to declare and define the custom, according to which these holdings were to be rated. This was the process which was effected at the last settlement. Supposing it to have been accurately done, it enables the Collector to determine at once from which proprietor each constituent part of the Government demand is due, to demand it primarily from him, and ultimately only to have recourse to the joint responsibility in the way on which it is liable to be enforced.

18. It was scarcely to be expected that, at the first trial, the process should be accurately affected. The same measurement which was to determine the relative right of the co-parceners was also to fix the Government demand. The latter was a process the people well understood, and regarded with much apprehension; the former was one, the full bearing of which they little perceived, and which they regarded with comparative apathy. Their apprehensions made them combine to falsify the total, whilst their ignorance made them neglect the injurious effect which any partial falsification might have on their individual interests.

19. When however, after the Government demand had been fixed for a long period, they came to perceive that the settlement record was the legal and acknowledged criterion of their rights and interests, they became naturally anxious that its errors should be corrected, and a new adjustment of rights made, and a fresh record of that adjustment formed.

20. But more than that, the value of separate property was now felt. When the country was scantily cultivated, and the

means of each proprietor to cultivate were varying and uncertain, much of the land was left in common, and so it was measured and entered in the settlement record, and the conditions were but imperfectly defined on which this common land was to be enjoyed by the whole community, or appropriated by individuals. But as population increased and wealth accumulated, the rights in this common land assumed an importance they did not possess before, and it became most important that this land should be divided amongst the several members of the community, so that it might be turned to the best account.

21. In such a state of things, the remeasurement of the village and formation of a new record became most desirable, both to correct the errors of the former record and to supply its deficiencies.

22. This is believed to be the present state of things in the Rohtuck district, as well as in other parts of the territory. The people are beginning to appreciate the system, and to be desirous to perfect it; and they are generally desirous at their own charge to have a fresh measurement and record made. It is most desirable that they be encouraged in this, and that every facility be afforded them for its accurate and early completion. The application of the people, and the deposit of money for the expences, are the evident and unquestionable proofs of their eagerness to effect it. Mr. F. Gubbins is believed to be actively employed now in this work, and it is most important that he should diligently and carefully conduct it. The same rules, which are laid down for the guidance of a settlement Officer in this part of his operations, will be suitable for him, and these will be found detailed in paras. 145—149 of the lately published directions.

23. But it is not probable that this operation, however well it may be done, will be final, or that change will stop here.

24. It is well known that the several fields or clusters of fields, which make up the separate holdings, are generally scattered over the whole village area. That area may and often does contain many square miles, and parts of the area are situate a considerable distance from the village site, where all the proprietors reside; so that the fields which constitute the holding

may be situate at a considerable distance to the north, south, east, or west of the village site. It is unnecessary to enquire what was the origin of this disposition of property. Such it actually is in the majority of the villages, and any attempt at present to alter it would be hazardous. But the people will probably in time discover the disadvantages of this state of things. They will find that much of their time and labour are lost, when they have to wander over the whole village area to reach their detached fields, instead of finding them compactly situate in one place. They will find it difficult and expensive to manure detached fields, and almost impossible to provide for their irrigation by the formation of wells, where such can be formed. They will then discover it to be for their interest to re-divide the whole area, so that the fields of each Puttee and of each proprietor shall be together. When this has been done, and the general peacefulness of the country and security for life and property shall have inspired confidence, Puttees or families will lease the old village sites, and settle down in the midst of their own fields, where they will always be at hand to cultivate them, and watch the crops, as well as have the manure ready on the spot. The several Puttees or families will then probably be desirous to form their properties into separate Mehals, to dissolve the joint responsibilities, and to break up the communities to which they originally belonged,—forming, out of one large community, several smaller ones with separate interests and objects.

25. It is impossible to foresee when this change will be effected, but there can be little doubt that it will sooner or later, and more or less extensively, be brought about, if the present firm Government be maintained. There can further be no question, that the change, if gradually and naturally brought about by the people themselves, will be productive of great good. The produce of the land will be increased far beyond what it now is, and each man's property will be not only more productive and valuable in itself, but safer from aggression, and less exposed to risk than it now is. But the change must be made by the people themselves, and must result entirely from their own intelligence and appreciation of its advantages. Any effort to

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force it upon them would only prejudice them against it. The public Officers of Government can do nothing towards its promotion, but explain to them its benefits, and recommend it to their consideration in the daily and intimate intercourse, which every Collector should consider it his first duty to maintain with all classes of cultivators, and more especially with the members of these interesting communities, wherever they exist.

26. Whenever the time does arrive, and the people themselves understand and desire the change, it is satisfactory to reflect that the means are prepared for making it. The same system of measurement and record, which is now used for the intermixed holdings, will be equally applicable to the compact holdings. The people have only to determine and to explain how they wish the change to be effected, and it can at once be made. The Collector should be a ready instrument in their hands to work out all their beneficial designs, prepared with his superior intelligence, activity, and skill, to advise, suggest and execute for them, but leaving them to originate and to determine for themselves.

PANEEPUT DISTRICT.

27. Mr. Edmonstone's Report on this district is very complete as far as it goes, and highly creditable to his intelligence and judgment. Experience has justified the soundness of his measures, and it is believed that the district is now in a most flourishing condition.

28. The proceedings are however incomplete, so far as they do not embrace the large Istumrarree of the Kurnaul Munduls in the north-east of the district. It is understood that the villages constituting this estate had their boundaries marked out, and were prepared for survey, but that the survey was never effected. In marching from Kurnaul to Kythul, the Lieutenant-Governor was much struck with the poorness and bad management of a great part of this estate, and had many communications with the Munduls on this subject.

29. It is well known that this estate was given to the family by Lord Lake in exchange for a Jagheer they held in the Moozuffurnuggur district, at a time when it was part of the British policy to leave the country to the west of the Jumna,

as much as possible under native management. The estate is large and valuable, whilst the permanent quit-rent with which it is charged is trifling. The Munduls are understood to have been already great gainers by the exchange, whilst by good management the value may be very greatly improved. The villages are British territory, subject to our laws in all branches of the administration.

30. It is very doubtful if any circumstances justify the Government in leaving subordinate proprietors at the mercy of an assignee of the Government Revenue, without interfering to define and record the rights of all parties. When the inhabitants are subject to our police and to our Civil Courts, such occasional interference cannot be avoided. It may be claimed by any party, and at any time. If security of property, and substitution of law and order for uncertainty and misrule, are the effects of the present mode of recording rights in the Revenue Department, and those effects are found to be beneficial in Khaliseh estates, they will be equally or much more so in Jagheer or Istumrarree estates.

31. Circumstances in this case however particularly bind the Government to interfere. The lands were assigned by this Government, who are therefore bound to come forward and provide that no wrong is inflicted by the act of assignment which resulted from the policy of the day. There are no old established and doubtful claims of proprietary right to investigate. The village communities remain in all their integrity, the unquestioned owners of the soil, and often able to resist by physical strength even the just demand of their superiors. If by our police we deprive them of the benefit of their strength, we are bound to substitute, for this innate means of resistance, the protection of legal arbitration.

32. A memorandum on this subject was prepared at the time and communicated to the Munduls, and a copy of it is appended to this letter for the Board's information. The Munduls did not very strongly object to the measure. They were apprehensive that it might curtail their influence and consideration, though they perceived that it might augment their income. The measure ought not to rest on their approval or rejection,

and the Lieutenant-Governor is fully convinced that justice and sound policy alike demand its execution. The Board are accordingly desired to give effect to it, though they are of course at liberty to state any objections they may entertain, and these will receive due consideration. The Revenue Officers of Paneeput for the time being are invested with the necessary powers under Regulation VII. 1822, to complete the operation.

33. It may be noticed that the late occupation of Kythul by the British Government, and the survey of that district which is now nearly concluded, afford peculiar facilities for preparing these Istumrarree villages for settlement. They form the connecting link between Kythul and the present surveyed portion of Paneeput. Captain S. Abbott, at present in charge of the Kythul survey, will have instructions to send his surveyors into these villages as soon as they can be spared, and the Collector of Paneeput will be careful to have the boundary marks renewed by the time when the survey can commence.

34. As Captain Abbott has also charge of the administration of the Kythul district, he will have little time to attend to the details of the surveys, and will probably be only able to give general directions for the scientific operations. The Board are requested to place the Collector in correspondence with Captain Abbott, and to leave them to arrange between them what degree of supervision shall be exercised by each over the several parts of the survey. The survey should be complete, being carried through by Ameens in the native method, as well as by the Surveyor in the scientific method; and every effort should be used to ensure accuracy. The expence of the scientific survey will be borne by Government; that of the native survey should be shared between the Munduls and the people, if not entirely paid by the former. The expense however, may, to avoid delay, be advanced by the Government, and before ulterior measures are commenced, the Collector will endeavour to arrange for the repayment of that, as well as the disbursement of other extra expenses attending the investigation, and will report the result to Government through the usual channel.

Delhi.

35. There is every reason to hope now that this district will

flourish from the peculiar advantages of its position, around the flourishing city of Delhi, and from the natural facilities for improvement which it affords. It must not be forgotten that the proximity to the city, whilst it makes land valuable, will also make it an object of cupidity to many who seek to obtain either wealth or influence by the acquisition of landed property. Such cupidity is apt to work its object, now that open force is prohibited, by intrigue and legal chicanery. There is reason to believe that this has already been to some extent the case, but that it has been checked by the vigilance of the present Collector Mr. J. L. M. Lawrence, and by the improvement which has been lately effected in the administration of Civil Justice, as well as the more correct ideas which are beginning to prevail regarding rights in land. The Board are requested to keep their attention fixed on this important subject, not only on the Delhi district, but throughout the country. The crafty and the influential will always be disposed to make the Courts of Justice, the instruments of working out their schemes of aggression on the weak or the simple, and nothing will check such projects more than the vigilant watch of the revenue authorities over every project of the kind which may affect the agricultural interests, and the exposure and denunciation of any nefarious scheme they may detect.

36. The draining of the Nujufghur Jheel seems to have yielded all the advantage which could be reasonably expected, although the extravagant expectations which were once formed have not been realized. The works are now in the charge of the Executive Officer at Delhi, but it is the duty of the Collector to see that they are kept in an efficient state, and if he should find that from want of regular repairs or proper clearance of the escape channel, or any other cause, the efficiency of the works is impaired, he will consider it incumbent on him to bring the defect immediately to the notice of the Government, though he should at the same time furnish the Executive Officer with a copy of his letter. The Military Board will also be requested to see that the Executive Officer is furnished with authority to make any urgent repairs, or incur any other necessary expence, without awaiting formal sanction to regular estimates.

37. It may be observed that it seems unreasonable to expect that when the Jheel is annually drained, it should continue in the rainy season to stand ordinarily as high as it used to do before the drainage was effected. In order to raise the Jheel to the same height at which it used formerly to stand in the rains, the fall of rain must now be sufficient to compensate for what was drained off in the preceding year, as well as to raise it from the previous dry weather level.

38. The Collector will not fail to pay attention to the great facilities for artificial irrigation by means of Bunds, which may be found in the southern part of his district. The Lieutenant-Governor is glad to perceive, from para. 9th of Mr. Lawrence's report, that he is quite alive to the importance of this subject. It is hoped that the experiments at Khirkee and Chutterpore will be successfully repeated in other parts of the district.

GOORGAON DISTRICT.

39. The great reductions of revenue in this district were necessary and judicious. The way in which they were effected, and the settlement of the district formed by Mr. J. Lawrence, Mr. M. Gubbins, and Mr. G. Barnes, are most creditable to all those Officers. There is every reason to hope now that, with the present light jumma fixed for a long period of years, the district will rapidly rally from the state of depression into which it had fallen. It must not be forgotten that the spread of cultivation, and the re-occupation of land fallen waste, is a state of things most likely to cause disputes amongst the members of the village communities, and will require constant care on the part of the Collector. When the seasons are moderately favourable, and a fair demand exists for agricultural produce, it will be found that the mutual relations of the several coparceners are constantly changing, and assuming new phases. An active and judicious Collector, by watching these circumstances, and always affording the people the benefit of his advice and assistance, may do much to allay their animosities, and to promote industry amongst them. The inhabitants are generally a simple and tractable people, who may be easily trained to peaceful and industrious habits, but whose prosperity must greatly depend on the adoption by the local Officer of Government of a prudent,

considerate and conciliating course of conduct towards them. The Lieutenant-Governor feels confident that the present Collector and Magistrate, Mr. A. Fraser, is well able and heartily disposed to follow this line of conduct; and the most happy results to the districts may therefore be anticipated.

40. The means of artificial irrigation here as in the southern part of the Delhi district are most abundant. The work proposed in 1837-38, for turning southward the waters of the nullah that runs now to the northward of Badshapore, has never yet been carried into effect. Captain Durand of the engineers, who surveyed the country in 1838, is known to have been favourable to the plan, but the sheets of levels, which he took to illustrate his views on the subject, are unfortunately missing, so that the value of his labours is greatly impaired. Every effort is now being made in communication with the Military Board to recover these sheets, but hitherto without effect. Extracts from Capt. Durand's Report of April 30th, 1838, indicating the missing papers, are entered in the margin,* in the hopes that this notice may be the means of aiding the search and leading to their discovery. As soon as these sheets can be recovered it is in contemplation to print the whole series of papers regarding the drainage of the Nujjuffghur Jheel, as well as the regulation of the Badshapore Nullah.

I have the honor to be, &c.

J. Thornton,

Secretary to Govt. N. W. P.

Agra, the 31*st July*, 1845.

* Para 4.—The plans which accompany this Report, consist of two sheets of the general map. These sheets comprise the Nujjuffghur Jheel, as well as the Noh and Poonchana districts, and are intended as common to both reports, the one now sent and the one to follow. The other plans are sheets, No. 1, which contains the section of the country between the Nujjuffghur Jheel and the Chundanee Jheel, as also the plans of the masonry works proposed in estimates No. 1 and No. 3, sheets No. 2 and 3, are allotted to the various sections more immediately connected with the drainage of the Kotelah and Chundanee Jheels.

From para. 12.—A line of levels was taken from the Kotelah Jheel near Akhirah along the low ground over which in seasons of excessive Floods the Kotelah Jheel after filling, discharges part of its superabundant supply.

Sheet No. 2, levels from the Kotelah to the Ullutpoor Jheel.

From para. 16.—A section of the valley from Murrora to Nungeenah.

Sheet No. 3.

Heads of a proposed arrangement for the better administration of the tract of land near Kurnaul assigned to the Munduls.

1. The rights of the Government in this tract were assigned to the Munduls for a settled quit rent, which can never be raised.

2. The Munduls have now held the tract for about forty years.

3. The cultivation is still scanty, the inhabitants are poor, subsist mostly by pasturage, and are of turbulent and thievish propensities.

4. The Munduls realize their just dues with great difficulty, and are unable to improve the estate, which the Government has conferred on them.

5. These evils and difficulties arise from insecurity of title, and want of authoritative definition of rights.

6. They can never be remedied by the ordinary operation of the Civil Courts, because there is no process or form of proceeding applicable to the case.

7. They can be remedied by the course prescribed in Regulation VII. 1822 and IX. 1825.

8. It is the duty of Government to put into operation the powers it possesses ;—

1st. For the protection of the rights of the village communities, imperilled by their assignment of the territory.

2d. To assure the Munduls the full value of the grant made to them.

3d. To promote the improvement of the country, and reclamation of the people from immoral habits.

The mode in which the object may be attained is easy.

9. The boundaries of existing villages should be marked off as nearly as they can be ascertained.

10. The whole should be surveyed according to the scientific and native methods.

11. A fair juma should be fixed for the next thirty years on the inhabited villages.

12. The relation in which the Munduls will stand to the proprietors of these villages is explained in para. 112 of "Directions for settlement Officers."

Para. 112. "The inferior owners are henceforward bound to pay their revenue to their superiors according to fixed instalments, which should be regulated so as to be a month in advance of the Government instalment. So long as they pay regularly, they cannot be ousted. If they do not pay on demand of the Talookdar, he may either distrain their personal property, or sue them summarily, and on obtaining a decree,* it will be in his option either to bring the property to sale, or to hold it Kham under authority from the Collector, till the balance is liquidated with interest at the rate of 1 per cent. per mensem. In either case the defaulters forfeit their proprietary rights permanently, or for a time, and become mere cultivators of their Seer lands at fixed rates under the purchaser or Talookdar."

* See Clauses 6 and 7, Sec. xv. Regulation VII. 1799, Sec. xxxii. Regulation XXVIII. of 1803, and Act VIII. of 1835.

13. If there are any villages brought into cultivation by the Munduls since the land was assigned them, these will be entirely theirs.

14. In such villages there will be no rights but those derived from the Munduls.

15. In the old inhabited and non-settled villages, the rights of all inhabitants must be determined and recorded as in Khalisah villages.

16. The advantage to the village proprietors will be the acquisition of a valuable property, which will afford them the means of comfortable and honest livelihood, and will prove a stimulus to industry.

17. The advantage to the Munduls will be the acquisition of a certain fixed income, capable of easy realization and the means of greatly increasing their future income.

18. The benefit to the Government will be the cultivation of the country, and the improvement and enrichment of the people.

19. The rights of the different members of the Mundul's family in the whole Talookdar should be declared and recorded, as well as any partition of the estate they may have made amongst themselves.

20. The Government will bear the expence of the scientific survey. The village Khusreh survey and record of village rights

should be made at the expence of the Munduls or village communities,—the former, because the security of their income will depend upon it; the latter, because the stability of their rights will rest on it.

No. 16.

SETTLEMENT OF MIRZAPORE.

No. 3824.

To H. M. Elliot, Esquire,

Secy. to the Sudder Board of Revenue, N. W. P.

Dated the 30*th August,* 1845.

SIR,

REVENUE DEPARTMENT.

In continuation of my letter of December 12th last, No. 5380, I am now desired to communicate to you the following observations on the subject of the revision of the settlement of Zillah Mirzapore, under the provisions of Section 3, Regulation IX. 1825.

2. The orders abovementioned have already communicated to you the Lieutenant-Governor's confirmation of the settlement of those Mehals which were open to settlement, both as regarded the amount of the jumma, and the persons with whom engagements were made. The present remarks will therefore be confined to such subjects as appear to require particular notice, and all, which is not noticed, will be held to be confirmed.

Paras. 11 and 12 of Board's letter. The right of the Rajah of Kuntit to engage for Mouzas in the Purgunnah.

3. The view taken of this right, and the practice founded upon it, is approved. The orders of the Governor-General in Council, dated April 11th, 1788, (confirmed by the Hon'ble Court of Directors on May 19th, 1790,) negatived the claim of right to engage as Zemindar. The orders of the Governor-General in Council, dated February 12th, 1819, recognized the justice and expediency of allowing the Rajah to engage for all Mehals, for which no better claim could be established. It was proper to confer,

as an act of grace, that which could not be legally claimed as a right. Further observations upon claims of this nature will be found hereafter in paras. 12 and 13.

Paras. 15 and 16.

The Talab Khayee Mehal in Tuppah Chourassee, ... Rs.	20
The Tengahee, Bhoongaee and Gaochuraee Mehal in Tuppah Sukteesgurh,....................	175

4. These two Mehals require notice from the principles they involve. The Talab Khayee Mehal consists of the right to cultivate Singhara, a marshy tract near Mirzapore. The Tengaee, Bhoongaee, and Gaochuraee Mehal, consists of certain dues for the cutting of wood and pasturage of cattle in the woods of Sukteesgurh.

5. Both these are undoubtedly items yielding a profit to the proprietors, of which the Government is entitled to claim a share. It is only necessary that the right be so defined that its nature and extent, and the results to which it may lead, be exactly known, and authoritatively declared.

6. If the marshy tract, constituting or yielding the Talab Khayee, be not included in the limits of any permanently settled estate, but have a separate area with known boundaries, then the settlement made by Mr. Raikes is unobjectionable. The proprietors will continue to grow Singharas as long as they find it profitable, and are at liberty to dispose of the land in any other way they may find better.

7. Thus too, if there are forest tracts in Tuppah Sukteesghur which are not included in the limits of any permanently settled Mehal, and whose only value at present consists of the forest produce on which these dues are levied, there is then no objection to the existing arrangement. But it may be better to consider the Rajah to be the proprietor of those forest tracts, competent to do with them what he can, and paying for them in perpetuity the jumma now fixed.

8. If on the other hand the marshy tract yielding the Singhara is part of some permanently settled Mehal, and the right to cultivate the Singhara has been given separately and in perpetuity for a fixed sum to the present cultivators who are other than the proprietors of the land, the arrangement is not one which can be sanctioned. The lease of the right should be offered to the owner of the land, and the prescriptive rights of

the present owners be protected in such way as may be practicable, or some other arrangement should be made, which would leave the owner of the land free to improve it as opportunity may offer. Land of this kind in the vicinity of a thriving town, like Mirzapore, may hereafter become valuable, and a careful adjustment now of the rights attaching to it may prevent much future litigation.

9. Again, if there are no separate unsettled forest tracts, for the usufruct of the spontaneous products of which dues can now be demanded, then the Tengaee, Bhoongaee, and Gaochuraee Mehal, has evidently become extinct, and must be relinquished. Regulation IV. 1795 forbids the levy of duties other than those which can be considered the price of produce belonging to the person who makes the demand. The decree obtained by the Rajah can be no bar to this; for not only was any such decree in favor of the Rajah contrary to the law from the effect of the statute of limitations, but it appears to have been given in entire ignorance of the nature of the thing conveyed. The decree is in fact only waste paper, except in so far as it recognizes an equitable claim on the part of the Rajah to all land, to which no better title exists; and that the Government have determined to allow him.

10. The Board are requested to make further enquiry into these two cases, and to report the result for the consideration of Government. In any case however the Board will be careful that the lease of forest produce held by the Rajah does not entitle him to levy any duties elsewhere than on the forest land belonging to him.

PERGUNNAH BIJYEGURH.

Extract from para. 64 of Mr. Wynyard's Report.

"The Revenue Surveyor in consequence of the Mountainous and jungly nature of the country found it impossible to subject the southern part to a chain measurement."

11. The mode of survey here adopted was no doubt the best which the circumstances of the case admitted, but it would be satisfactory to know who is considered the proprietor of the tract thus surveyed. Is it parcelled out amongst the several permanently settled Mehals, each of which has defined boundaries? or is it excluded

from every settled Mehal? and if so, to whom does it belong? These are questions to which the Board are requested to obtain answers. In the event of any uncertainty now existing on these points, the local authorities should mention the arrangement they would propose authoritatively to declare. Increase of revenue is not wanted, but it is indispensable that every right connected with the land be fixed and recorded.

The zemindaree rights of the Rajah of Bijyegurh.

Para. 62 of Mr. Wynyard's Report of June 15th, 1843.

Para. 11 of Commissioner's letter of November 6th, 1843.

12. There seems to have been some difference of opinion between Mr. Wynyard and the Commissioner regarding the parties with whom the settlement should be made for the Mehals left in farm since 1197. The former took zemindaree engagements from the resident cultivators, who had held the farms hitherto, whilst the Commissioner would have settled them with the Rajah. It does not appear what the Board's decision on the subject was. Mr. Wynyard's view was the right one, and should have been upheld.

13. In para. 3, the similar claims of the Rajah of Kuntit to engage for the farms in that purgunnah have been noticed. His claims were much stronger than those of the Rajah of Bijyegurh. They had been so strong as to force themselves on the immediate notice of Mr. Hastings in 1781, and to procure for him their partial recognition in the form of a Malikannah allowance. This allowance, however, both in itself, and with reference to any proprietary right which it might be held to imply, was deliberately set aside by the highest judicial authority under the terms of the resolution of the Supreme Government, dated April 11th, 1788. The principle of those orders applied still more strongly to the case of the Rajah of Bijyegurh, who was a fugitive in 1781, and would appear to have transferred by sale to the Rajah of Benares any claim he might have possessed of this nature. If therefore the Civil Court have hitherto awarded such rights to the Rajah of Bijyegurh, it is only a proof of the ignorance which has long existed on all subjects connected with the proprietary right in land, and such

V. Paras. 62—65. Resident of Benares' letter, dated November 25th, 1790, and papers therein referred to.

decisions cannot be held binding as precedents in any f... rt of
suits which may arise. It will be the duty of the R...
Officers of Government whenever such suits, either wit...
ence to this or any other purgunnah in Benares, be in... the
to provide that the case be brought fully before the Co... rs of
all the light which can now be thrown upon it.

TALOOKA KHYRooDDEENPORE.

14. The arrangements regarding this Talooka seem t... out
been judicious and right. The Board will be careful th... of
claims of the farmer be allowed to interfere with the p... be
settlement, and that no... apprehension exist reg... that the former transactions, ... his

Para. 17 of Commissioner's letter, paras. 89, 90 and 91 of Mr. Wynyard's letter.

the Commissioner has been at much pains to place in a ...ory light.

PERGUNNAH AGOOREE BURHUR.

15. The rights of the descendants of Rajah Adil S... these pergunnahs have been the subject of much researc... discussion. They require particular notice, and I am now d... to convey to you the following instructions regarding them.

16. It is unnecessary to examine at length the nature of the grant of Warren Hastings to Adil Shah. That grant was subsequently set aside with the utmost deliberation by the Governor-General in Council in their resolution of April 11th, 1788, which was assented to by the Honorable Court of Directors in their despatch of 1790, and obtained legislative sanction in Clause 2, Section 3, Regulation XLII. of 1795. The determination of Government on the subject is further marked by their orders of June 17th 1789, to Mr. J. Duncan. Their resolution was finally carried into effect. The grant of 8,001 Rs. was resumed, but a life-grant of 4,001 Rs. was made to Rajah Adil Shah to satisfy a claim against him by Rajah Sheololl Dobey, which had been guaranteed by the Government. The whole of this correspondence is decisive on the subject, but is not now easily accessible. It has therefore been collected together and appended to this letter.

V. Appendix.

17. Whatever rights to Malikanah lands are now possessed

fromhe descendants of Rajah Adil Shah must therefore originate These›ter date than in the transactions noted above; and this answers the correspondence between the Supreme Government points, t Collector of Benares Mr. Barton, in 1803-4. It is they wo that the question was then discussed with very imperfect venue ition on the subject. Great reliance is placed on Mr. connecgs' grant, and no allusion is made to the subsequent *The ze*ion of it, while Mr. Barton's whole proceedings and repre-ions exhibit a very remarkable desire to make the most Para. June 1agant concessions, not only to Rajah Adil Shah whose case might deserve pity, but also to Rajah Sheololl Dobey, who could not have had similar claims on his commiseration. However this may be, the act of the Government was deliberately made and within its competency, and cannot now be questioned. The correspondence noted in the margin,* proves that the Government determined finally to settle the question by making the Rajah an allowance of 8,001 rupees, and that from their making it in the form of a settlement, they intended it should be permanent. Looking to the nature of all such arrangements in Benares, the Lieutenant-Governor is of opinion that, so far as the Government is concerned, the grant is perpetual, and that the successors of Rajah Adil Shah are entitled to a rent charge of not less than 8,001 in perpetuity in the revenues of Agooree Burhur.

Para. Novemltract from the proceedings of ment in the Secret Department, ment th November, 1803.
The act of a letter from Secretary to ment, dated 26th January, 1804, cultivag the above.
r from Collector of Benares, missio0th April, 1804, with enclosure ix C.
appear to ditto ditto, dated 1st June,
Wynya from ditto ditto, dated 29th held. 304.
r to the Governor-General in 13.l, dated 17th July, 1804.
er from Secretary to Government enga Judicial and Revenue Department, ted 1st November, 1804.
Letter from Secretary Sudder Board of Revenue, N. W. P. dated 28th Feb. 1843, No. 87.

7th March, 1843, 127 and 128. { Letter to Secretary Government of Bengal Revenue Department, dated 17th March, 1843, No. 1288.
Letter from Secretary to Government of Bengal, dated 10th May, 1843, No. 142 with Enclosures.

31st May, 1843, 315 to 321. { Letter to Secretary Sudder Board of Revenue, N. W. P. dated 31st May, 1843, No. 2750.
Letter to Secretary Government of Bengal, dated 31st May, 1843, No. 2751.

18. The question however of the effect of this grant on the rights of others is another and distinct one.

19. The Board of Revenue in their address to Governm[illegible] of of July 17th, 1804, put the question regarding the rights [illegible] it is intended to convey to the heirs of Rajah Adil Sh[illegible] are answered in para. 4 of the orders of Governmen[illegible] the November 1st, 1804, by a reference to Clause 3, Sect[illegible] of Regulation II. 1795. It is thence very evident that the [illegible] possessed no power to make any alterations or innovat[illegible] as the existing rights, and that the grant of Malikanah was [illegible] meant to assure him the sum of 8,001 Rs. per annum [illegible] certain indicated lands, without conferring on him any [illegible] of rights in those lands than those which he otherwise possess[illegible] be

20. The Malikanah grant of Mr. J. Duncan to the [illegible] of 4,001 was assigned on 29 Mehals. On each Mehal a j[illegible] that was fixed in the same w[illegible] his on every other Mehal, th[illegible] it does not appear whet[illegible] not, at the time of the Me[illegible] Settlement of 1197, [illegible] were given to the owners of these Mehals. Probably not, [illegible] settlement was only for ten years, and it was then int[illegible] to soon to resume this assignment and to discontinue all fun[illegible] allowance to the Rajah. There can be no doubt, that if th[illegible] intention had *been* carried into effect, these jummas would, on the resumption of the grant, have been as permanent as any others in the province, and that the proprietors whoever they might be found to be, would have been entitled to permanent entry at those jummas. The subsequent grant to the Rajah of 1804, cannot invalidate that right. In conformity with this view of the subject, the Civil Court in the two cases of Goorarce, (No. 9 of Mr. Wynyard's list, and No. 8 of Mr. Barton's) and of Oorgaen or Wurgauah, (No. 15 of Mr. Wynyard's list, and No. 14 of Mr. Barton's) admitted the proprietors to hold at the jummas fixed by Mr. Duncan, and limited the demand on them to that amount. It is now necessary that all these cases should be examined, and that wherever superior claims to those of the Rajah exist, the proprietors should be admitted on Mr. Duncan's jumma.

See these enumerated at the foot of Mr. Barton's Sunnud of Poos 11th, 1211, F. E. (1803, A. D.) enclosed in his letter of April 10th, 1804. See also list B. enclosed in Mr. Wynyard's letter of April 3d, 1843.

V. Para. 11 of Mr. Wynyard's letter of April 3d, 1843.

fromhe d. If any thing were wanting to confirm the correctness
Thes ter view of the grant to the Rajah, it would be found in
answers thce to the further proceedings in 1804. When it was
points, Cd to increase the grant to the Rajah to the sum of 8,001,
they wotha other Mehals were included and designated as Malikan-
venue itic these, five were Zemindaree, five were Moostajuree,
connecgs ee were Amany. To the permanency of the settlement
The zeion first, the Government were irrevocably pledged; and it
ion possible for them, without the grossest breach of faith,
Para. June 1ag otherwise than grant a mere assignment of the revenue
Para om the permanently settled Mehals. If from the ambigu-
Novem trording of the Government orders, and the mistaken pro-
ment th gs of the public functionaries, the rights solemnly pledged
The act time of the permanent settlement have been violated, it is
cultiv ty of Government now, when the evil is brought to light,
missio otly to afford the remedy.

appear ix In the five Moostajuree Mehals also, the Government
Wyny ally pledged to respect the rights of those who might
held. hemselves to be the proprietors. In conformity with that
13. he Sudder Dewanny Adawlut rightly decreed the proprie-
enga right in Talooka or Purgunnah Singrowlee, (No. 39 of
Mr. Wynyard's and No. 35 of Mr. Barton's list) to Rajah
Chutur Sahaee Kuhurwar, the resident chief, at Mr. Duncan's
jumma. The claims to the proprietary right in the remaining four Mehals must be investigated as in the rest of the district.

See para. 26 of Mr. Wynyard's report, dated June 30th, 1843.

23. In the three Amany villages, the limitation of the total grant to 8,001 must be held to prevent any increase of the demand on these as well as on the Malikanah villages. The only point to be ascertained will be the proprietary right.

24. It must be observed that, in these thirteen Mehals added to the grant by Mr. Barton, the reduced jumma sanctioned by Government in 1804 is the one which must be held to be permanent.

25. It is evident from many passages in Mr. Wynyard's letter, and more particularly in the list C enclosed in his letter of April 3d, 1843, that in the Malikanah Mehals as fixed by Mr. Duncan there are many subordinate rights, which require

to be fixed. When the Government restore the Mehals to urt of rightful proprietors, it is bound to see that all such rights respected. The tenures will be considered as Talookdarree sub-settlements at equitable amounts will be made with all th: the who are entitled to it, on the principles laid down in par rs of *et seq.* of the Directions for settlement Officers. It aum- probably not be desirable to make such under-tenants Su nd as Malgoozars, but to keep them in the position defined in pallaced 111 and 112. In Singrowlee, which is a wild country, whehout the Rajah has long held undisturbed and unquestioned posse of sion, it will probably be inexpedient to exercise any interferen. be

26. When the forty-two Mehals, now constituting the Maced kanah grant, have thus been settled, it will be necessary t at those persons who are recognized as proprietors, and with wld his consequently a Zemindaree settlement may be made, shocrery become Sudder Malgoozars. The Rajah of Agoree Burhur b be permitted to form such of the Malikanah villages as re to him, and his other estates, into a Talooka from the jumr r *urt* which he will be entitled to a remission of rupees 8001.

27. It further appears from Mr. Wynyard's report para ld to and statement C, that the Rajah has been admitted to Zemindar darree engagements in many of the Mehals not included in the Malikanah grant, which were Moostajuree in 1794, but to which far preferable claims existed on the part of village Zemindars. He was in many cases admitted by decrees of the Civil Court, founded apparently on error and misapprehension of the real merits of the case, but still within their legal competency and final. Such arrangements cannot now be interfered with, though every security should be given to the people for the preservation of such rights as they still possess. Where they have continued to hold ever since the admission of the Rajah on a fixed sum, perhaps in advance of the Moostajuree jumma of 1794, they should be confirmed in the right, or an equitable arrangement made between the Rajah and them for a fair under-settlement. If, however, they have lost this right, it may probably not be practicable to do more than secure them in the possession of the fields they now hold, either at favorable rates in kind, or at a low fixed money rent.

The same must be the rule in all cases where the Zemindaree right of the Rajah has been confirmed by the Government. But where no such confirmation has taken place, and the admission of the Rajah was merely the unauthorized act of the Collector or other revenue Officer not invested with judicial powers under Regulation IX. 1825, there can be no reason why the proceeding should not be reviewed, and the rightful owner put in full proprietary possession.

I am, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 30th August, 1845.

Extract from resolution of Governor-General in Council, dated April 11th, 1788, para. 20 to para. 30, and para. 34.

Para. 20. The remaining deductions stand upon different grounds, among these the following consist of allowances to the persons named, in reward for the zeal shewn by them to our Government during the troubles of Benares.

8	Rajah Govindjeet, ...	37,500
9	Rajah Adil Sing,....................	8,000
10	Bhuggoo Sing,......................	11,800
11	Adoo Sing and Oonsing,.............	1,500
	Bukur Mujeet Sing, ...	4,000
	Allee Azeem Khan,..................	10,000

With respect to several of these, a question of considerable importance arises. It appears that many Zemindars were dispossessed by Bulwunt Sing, when he was employed as Aumil of Benares, under the father of the late Sujah Uddoulah. Their claims were acknowledged by Mr. Hasting in 1781, and his determination went to the restoration of them to their Zemindarrees, which with respect to Rajah Adil Sing was literally carried into execution.

21. The Board do not observe that this determination was founded upon any investigation into the causes of the dispossession of the claimants, or their ancestors, but that it appears to have been formed upon a conviction of the justice of their claims,

and upon the title they had acquired to the English protecrt of and to some reward for the zeal shewn by them in the servi the Company.

22. This decision however, as far as it regards the righ: the the claimants, is opposite to the principle established by rs of Government for taking cognizance of old claims. The limita:um-prescribed to those by the Adawlut Regulations, which ıd as established upon mature consideration, is that no suit shallaced heard or enquired into where the cause of action arose befıout the 19th August, 1765, nor any suit whatever where the cce of of action arose twelve years before the institution of the sa. be unless upon proof that the demand had been made before, uncred certain forms. ıat

23. Sufdur Jung the father of Shujah Uddoulah died his 1167 Hejeree or 1753, A. D. twelve years before the periocrery limitation, and those claims by this rule ought not to have b attended to.

24. These Regulations were not however established r *urt* 1783, and the determination of Mr. Hastings was made in 1. So far it is not contrary to Regulations subsequently establisld to but it is nevertheless opposite to the principle of them whlar existed in the Regulations published before 1781, as rules ıs conduct for the Collectors and Supervisors.

25. That the principle of the limitation is just, cannot be doubted. For, if it were not in force, half the property of the country would be litigated; most of the suits would be in the nature of appeals from the decision of former administrations before the English acquired possession of the Dewanny; and as the public records of *transactions* are before that period incomplete; it would be impossible to ascertain the grounds of decision against the Claimants to Zemindarrees, who in this case would have an advantage in every suit. Many other arguments might be urged, if necessary, in support of the principle of limitation, which the Board deem just and proper.

26. Having thus determined the principle, the application of it remains to be considered, the sovereignty of Benares was first *conferred* upon the English in 1764. It was restored by them by treaty in 1766, to the Nabob Sujah Uddoulah and again

e over to the English by Asoful Uddowlah in 1775. In all transfers the reservations of the rights of Bulwunt Sing Cheyt Sing the Zemindars, little short of independency were icularly attended to, and even now the internal administra- of the country is left with the present Rajah with no other rference than to assist, superintend and control his adminis- on.

27. The Governor-General in Council, having attentively sidered these premises, is of opinion that no claims for the ession of Zemindarrees in Benares should be attended to, ere the dispossession took place antecedent to the 1st July, 75, the date from which the Company's sovereignty over the untry may be said to have established, and that consequently claims mentioned in the resident's letter of persons dispos- ed during the Sezawalship of Bulwunt Sing shall be totally egarded.

28. The Governor-General in Council, in establishing this ciple as a general one, is aware of some possible exceptions he applications of it, and therefore leaves it to the resident point out any that may actually occur to him, or such as he y deem probable.

29. The question next occurring is what is then to be done with respect to those whose claims have been recognized by Mr. Hastings? If his decision be confirmed, the Governor-General in Council acts in opposition to a *principle* which he deems equitable, and in effect infringes the pottah granted to the Rajah of Benares, which is a very important consideration. On the other hand if Mr. Hastings' decision should be annulled, those who have benefitted by it will have reason to complain of the resolutions of Government for resuming without cause what it bestowed as a reward for zealous service.

30. This point the Governor-General in Council thinks, should be left to the final determination of the Court of Directors, and in the meantime those who received Jaghiers either in land or money should continue in the enjoyment of them as they now stand. This is a general principle. Whether any deviation can, with propriety be made, will appear from the following summary of the claims of each individual, on which

the suggestions of the Board are to be noticed to the Court of Directors.

* * * * * *

34. The next pensioned land holder is Rajah Adil Sing; the grant to him by Mr. Markham, in conformity to the orders of Mr. Hastings, specifies the allowance to be Nankur and Altumgha:—But as he has actually obtained possession of the land as Zemindar, it appears to the Board that he ought to be placed on the same footing as the other Zemindars in Benares, without any peculiar exception in his favour, and that the allowance of 8,000 rupees ought to cease. It still however remains to be determined, whether the Zemindarree which he has acquired shall be deemed an inheritance. The Board are of opinion that it should not, but to give him every fair advantage during his possession, be recommended to the Rajah to make a Mokurrery settlement with him during his life only.

Extract of Lord Cornwallis' Report to the Honorable the Court of Directors, dated the 6th November, 1788.

Benares. 355. The Resident at Benares having transmitted to us an account of the annual remissions granted to the Zemindar from the amount of his revenues, with a statement of the claims of several individuals to landed property in that district, we came to final resolutions on the several articles respectively for the particulars of which, and the principles which guided our determination, we beg leave to refer you to our proceedings of the 2d and 11th April and 21st May.

Extract of a letter from the Honorable the Court of Directors, dated the 19*th May,* 1790.

16. We have very attentively perused all the papers upon the subject of Benares referred to in this paragraph, and in your subsequent letter of the 9th January and 10th August, 1789. With respect to the account transmitted by Mr. Duncan, in his letter of the 16th February 1788, of remissions claimed by the Rajah from the stipulated amount of malgoozaree of 40 lacs per annum, we approve of the principles on which you formed your determina-

Para. 355, Rajah of Benares.

tion thereon, as recorded on consultations the 11th April and 21st May following. Although you have established as a general resolution, that no claims for the possession of Zemindarrees in Benares should be attended to, where the dispossession took place antecedent to the 1st July, 1775, the date from which the Company's sovereignty over the country may be said to have been established, you have left it to us to determine on the claims that have been recognized by Mr. Hastings in opposition to this principle. The grants that have been made or confirmed by Mr. Hastings, as the reward of attachment and zealous services to Company, we feel ourselves bound at this distant period of time to confirm, but not in such an unqualified manner as to infringe the pottah granted to the Rajah. We rather incline therefore to follow the suggestions in this respect contained in your minute of the 11th April, 1788.

Extract from Mr. Duncan's address, dated the 26th April, 1789.

39. There being something particular in the settlement made with Rajah Adil Shah of the purgunnahs of Burhur and Agoree, I beg leave in this place to submit the circumstances thereof to your Lordship.

40. By the Board's order of the 11th of April, 1788, his Jagheer of 8,000 rupees per annum was to be resumed, and a Mokurrery settlement made with him for life, on easy terms. To these orders that Rajah warmly objected, alleging that it bore hard upon him to be made the only sufferer, among all the Jagheerdars and Pensioners of the Company, by the resumption of his Jagheer; and he further urged that the Board had not before them translations of his two previous sunnuds from Mr. Hastings, when they decided on his right, both with regard to the immediate termination of the Jagheer, and that of the Zemindarree with his own life. He accordingly now produced those further sunnuds, which his agent had neglected to exhibit at the time of my report of the 16th February 1788 being written, and although I hardly suppose that any thing in them will alter the Board's decision, yet that no injury may accrue to him through negligence even on his own part, I have recorded

translations of all his sunnuds from Mr. Hastings in the proceedings that are in the extract, No. 6, marked in
19th January.
the margin. But with regard to the resumption of his Jagheer of 8,000 rupees per annum, it has appeared, since the issuing of the order for that purpose, that this cannot be very easily and entirely effected with a due regard to prior engagements contracted in the name of the Company before my arrival at this place by Mr. Treves when acting resident, as your Lordship will observe by that gentleman's report; whence and from the translation of the bond and from other papers on this subject recorded in the proceedings marked
Ibid.
in the margin, it appears that Rajah Adil Shah falling in arrears in the payment of his current kist, Mr. Treves caused Sheololl Dobeh to advance to him, for the payment of the revenue, the sum of Rs. 20,226 on the mortgage of his Jagheer, which Mr. Treves then believed to be for that Rajah's life, and did therefore (as stated in his report) officially countersign or attest the mortgage, which Sheololl Dobeh had certainly a right from that time to consider as transferred, and secured to him by Government. Thinking it therefore incumbent on me to make some provision for Sheololl Dobeh's security on this head, I have (subject to your Lordship's approbation or alteration) made a settlement with Rajah Adil Shah for his life, by which he is to pay for the purgunnahs of Burhur and Agoree (that of Bhejeh Ghur being separated,) the annual sum of rupees 59,000 including 4,000 rupees, (or half of his former Malikannah) which is to be deducted therefrom, and appropriated to the liquidation of his debt to Sheololl Dobeh, which on this footing will require at least six or seven years to be fully paid off; and considering Adil Shah's age and infirmities, it is not probable he will long if at all survive that period. Wherefore the Company's bounty will in all likelihood be no longer applied than it is already appropriated by the late acting resident's attestation of Sheololl Dobeh's bond, and at all events I believe that the said Rajah's jumma is settled, (including the proposed remission) at full, as much, if not perhaps more than that country can on its present state quite easily bear; and I should even have been inclined to assess it somewhat lower, but for the painful

expediency of endeavouring to reconcile, as far as possible, the relief to be afforded to the country, with the immediate pecuniary interests of the Hon'ble Company.

Extract from orders of Government in reply, dated June 17th, 1789.

22. We have referred to your proceedings of the 19th January, containing the sunnuds to Rajah Adil Shah, and although we cannot but admit the hardships of his case, and the apparent injustice of the resolutions depriving him of his Jagheer, the reflections arising from this admission must be transferred to the grant, and cannot infringe the principles upon which our resolutions were formed. Sheololl Dobeh had certainly a claim to the re-imbursement of the loan made by him to Rajah Adil Shah, under the sanction of public authority, and we therefore approve your final arrangement of the settlement for the purgunnahs of Bunker and Agoree, including the stipulation for the discharge of Sheololl's claim.

No. 17.

SETTLEMENT OF BENARES.

No. 4075.

To the Secretary Sudder Board of Revenue,
North Western Provinces,
Dated the 23d September, 1845.

SIR,

REVENUE DEPARTMENT.

I am desired to acknowledge the receipt of your letter, No. 533, dated October 29th last, reporting on the revision of the settlement of zillah Benares.

2. The proceedings, as reported in the papers forwarded by the Board, are generally approved and confirmed. The following remarks have reference to those cases which require special notice.

3. Mouzah Lubhyepoor, purgunnah Atgawun, may remain as the Board propose with a jumma of 2081, being a decrease of 270 rupees

Para. 4 of Board's letter.

from 2351, the jumma of 1197 F. S. The Commissioner does not consider that even the reduced jumma can be realized, and it is not apparent on what grounds the Board have come to a different conclusion. The case can be again brought forward if necessary.

4. The decrease of jumma in the Dehat Amanut is sanctioned, and there is no objection to the relinquishment of the lands of Killah Kohna in rent free proprietary tenure to the present holders, supposing that the rights of the present occupants are clear and undoubted, as might be concluded from what is stated in para. 15 of the Officiating Commissioner's letter. It has however been represented to the Lieutenant-Governor that this is not the case, and that one effect of the supposed abandonment of the right of Government has been the institution of Civil Suits by persons claiming the right of occupation. It is very clear that any title to these lands can only be derived from the Government. The Collector is bound to examine the titles to release, and confirm the tenures of those whom he finds in rightful possession, and to assert the right of Government where there is no such possession. It is requested that this course may be followed.

Para. 5.

5. The Lieutenant-Governor concurs with the Board that there is nothing in the Rajah's representation regarding the Istumrarree of Kole Usla and Jagheer of Pundra, which shews his right to those grants. The former was resumed on Rajah Oodit Narain's death, and final orders regarding the latter are still suspended. Viewing the question as one of right, the only doubt that can exist has reference to the one-fourth of the villages noted in the margin,* held by the Rajah as auction purchaser from Kamta Pershaud, to whom they were awarded by a decree of the Sudder Dewanny Adawlut, dated November 9th, 1819. The effect of that decree was to alter the title to those lands. They ceased to be held in virtue of the grant for life by the Governor-General in Council to Rajah Oodit Narain, dated November 15th, 1805, and were held in virtue of the grant,

Paras. 6 and 7.

* Pura Khas, Pinraeem, Gurkheera, Bitooa, Than, Usla, — Usla and Dakhilee, v. para. 5 of special Deputy Collector's letter, dated Feb. 25th, 1839.

whatever it was, to Sheopershun Sing or his ancestors. It appears from the letter of the former special Deputy Collector, Mr. M. Smith, dated February 25th, 1839, that these villages purported to be held under a registered sunnud from Nabob Shooja Uddowlah, dated Sufur 21st, 1180 H. (August 1st, 1766). This grant therefore came under the description of Badshahee, as defined in Section 2, Regulation XLII. 1795, and should not be resumed except after investigation under Regulations II. 1819, and III. 1828. The Board are requested to direct the Collector of Benares to place the suit on his file, and to proceed in due course as the law directs.

6. But whatever may be the issue of this suit, the Lieutenant-Governor is desirous that, as a favor, the grant may be allowed to remain as it is unimpaired, to the present Rajah during his life. Immediately then as regards three-fourths of the Jagheer, and ultimately as regards the one-fourth, whatever may be the issue of the suit, the Board are requested to provide that, till further orders, the present incumbent continue to receive the deduction of 10,000 rupees per annum, which he now enjoys on account of this Jagheer. A reference will be made to the Supreme Government to continue this grant to Rajah Ishree Pershaud Narain during his life.

7. The circumstances of Talooka Kurnadaury have received the fullest consideration, and I am now desired to communicate to you for the Board's information and guidance the view which the Lieutenant-Governor takes of the subject, and the course which he consequently desires may be pursued.

Para. 9, 24 and Appendix A.

8. In the settlement of 1196 F., Talooka Kurnadaury formed no part of the original or family estates of the Rajah of Benares. These estates were separately settled with the principal widow of Rajah Bulwunt Sing (v. para. 37 of resident's report of April 26th, 1789), whilst Talooka Kurnadaury was settled separately for five years with a person named Hookum Sing, who had rented it for many preceding years, (v. proceedings of resident, dated January 28th, 1789, enclosure No. 6 of resident's report of April 26th, 1789.)

See the whole of the extracts regarding Talooka Kurnadaury are collected together and appended to this letter.

9. In 1197 F. S. a Mofussil settlement was made with the village Zemindars of Talooka Kurnadaury, in the same manner as in the rest of the province. But the collections were made over to the Rajah, because Hookum Sing the former renter had failed in his engagements, and because the Talooka was "close adjoining to the Rajah's hereditary part of the purgunnah," (v. para. 43 of resident's report, dated November 25th, 1790). There was here a distinct assertion that the Rajah had no hereditary right, and that the collections were only made over to him as a matter of convenience. From the list appended to Mr. Davidson's letter of June 29th, 1839, it seems that, of the twenty-two Mehals composing the Talooka, twelve were settled in Zemindarree with the proprietors, nine in Moostajuree, and one was the Nankar of the Canoongoe.

10. In para. 4 of his report of August 13th, 1795, the resident mentions that he had given the Rajah the usual Deyek and Bhuray on the collections of the Talooka, and had set forth the other particulars regarding it in Section 20, Regulation II. 1795.

11. In that enactment the position of the two parties, viz. the Rajah and the Malgoozars, is most clearly defined. The former is Tehseeldar or Collector, the latter were under the same protection as all other Malgoozars, and the Talooka was distinct from the Neej or Zemindarree lands of the Rajah. In one only respect were the Malgoozars different from other Malgoozars, viz. in that they received no pottahs. The seal and signature of the Rajah was then necessary to the grant of pottahs; that seal and signature were refused; and therefore the pottahs could not be granted; but the resident, fearing some danger to the Malgoozars from this cause, protected them by a special enactment.

12. To the permanency of the arrangements in this Talooka the Government is more than ordinarily pledged, because it has made the rights of the Malgoozars the subject of special legislative enactment.

13. No sooner however was the Rajah left to the exercise of the powers which were entrusted to him, than, acting on the disallowed assertion that the lands were his hereditary Zemindarree, he set himself to destroy all other rights than his own.

The local authorities seem most unaccountably to have acquiesced, and to have withheld relief till, in December 20th, 1820, the Benares Court of Appeal* decided that cases of dispossession could be heard in the ordinary Zillah Courts. As soon as this discovery was made, the dispossessed Zemindars hastened to institute suits for the recovery of their rights. Worsted in the Zillah Court, they obtained decrees in their favour in the provincial Court, but it was finally decided in the Sudder Dewanny Adawlut, on August 21st, 1833, that they were not entitled to restoration, because they had failed to prosecute within twelve years from their dispossession, cognizance of the case by the Civil Courts being held barred by Clause 1, Section 3, Regulation II. 1805. On this precedent, all the suits were thrown out by the Civil Courts. To the present day therefore the usurpation of the Rajah has been successful, and the owners have in vain sought the recovery of their rights.

* In the case of Gunesh Troeree, &c. Plaintiffs, *versus* The widow of Bisumber Pundit, Defendants. In some matter connected with a rent free estate belonging to the Defendants, situated on the Talooka v. note to para. 2 of Commissioner's letter, No. 451, dated October 24th, 1842.

14. It is difficult to conceive a case of greater injustice than is detailed in the preceding paras. At the time of the permanent settlement, the Zemindars were protected from usurpation by special enactment; but for twenty-five years they saw that enactment disregarded by those, for whose guidance it was passed. When at length the real state of the case was discovered, and hopes of restitution were held out, they found themselves debarred from the remedy, because they had failed to sue in a Court which was closed to them. In the family domains of the Rajah, they have lately seen the Government come forward by special enactment to preserve rights similar to their own, and they have also seen the Government, at great cost to itself, and with no resulting pecuniary benefit, carry through a series of measures for the security of those same rights. On the other hand, they have seen all other Zemindars throughout the province confirmed in the full enjoyment of their rights from the very first. They alone, from the accident of a disallowed claim, have been left, in the very face of an express legislative enact-

ment to the mercy of the person whose interest it was to destroy all their rights.

15. It is most evidently therefore the bounden duty of the Government to afford these persons their remedy, if the law admits of it. The only apparent obstacle lies in the decrees of the Civil Courts, which dismiss the claims of the Malgoozars. It is not necessary to discuss the merits of those decrees, or to determine whether, under the terms of Clause 1, Section 3, Regulation XI. 1805, it was incumbent to deny redress. It was in the competency of the Courts to pass those decrees, and there is no power now to question them. But the decrees need not be considered to have any further weight than that which they naturally and necessarily carry. They assert the existence of no right, and they deny the existence of no right; they merely declare the Civil Courts debarred by law from taking cognizance of the claim. It is well known that the Code of Regulations recognizes no positive prescription other than that arising from undisturbed possession of sixty years. This has been most clearly laid down in para. 5 of a letter from the Register, Sudder Dewanny Adawlut to the Judge of Jounpore, dated January 20th, 1843. Supposing then the utmost which can be supposed, viz. that the decision of the Sudder Dewanny Adawlut is binding in this case on the Government and the Revenue authorities acting under Regulation IX. 1825, and that they are precluded from recognizing as of right the claims of the village Zemindars, still this goes no way to affirm the right of the Rajah. He is by the terms of the settlement, and by special enactment, mere Tehseldar or Collector; and no usurpation, short of sixty years, can avail to grant him any other right. In that case the Zemindarree right must have escheated to the Government, which is at liberty to re-grant it to the person who has the best claim.

V. Extract in annexed collection.

16. The Lieutenant-Governor has therefore no hesitation in ruling that it is quite open to the Government to pursue in this Talooka such course as is consonant with justice and the words of the enactment. The Board will therefore give effect to the following instructions.

17. The Collector of Benares is now invested with powers under Section 3, Regulation IX. 1825, to revise the settlement of Talooka Kernadaury, and restore the Malgoozars to the rights to which they are entitled. In the estates which were settled in 1197 F. S. with the Zemindars, he will restore the heirs of the old proprietors on the terms of that settlement, unless they be found to have alienated their rights of their own accord. In the Moostajuree estates he will make the settlement, on the jumma of 1197, with those whom he finds best entitled, on the same principles as elsewhere in the province. The Canoongoe's Nankar will be settled on the assets with the best claimant.

18. In drawing out the administration papers, and settling the terms on which the restored proprietors are to manage their estates, the Collector will be most careful to define accurately all incidents of the tenure, and to set at rest the many questions which will be likely to arise in consequence of the long disturbance of the proprietary rights; some effort might also perhaps be advantageously made to adjust any pecuniary claims, there may be against the restored Zemindars. The well being of the communities will evidently depend upon the degree of care with which these operations are performed.

19. When these settlements are concluded, the Collector will consider all the Zemindars as Sudder Malgoozars, who henceforward will pay the demand against them into the Government Treasury direct. The Rajah's power over them as Collector, and any allowance he may have received as such, will terminate here, as all similar powers throughout the province have done, under the operation of Regulation XXII. 1806, and Regulations VII. and XIV. of 1807, and as the power possessed by Rajah Adil Shah's heirs in the Malgoozarree portion of purgunnahs Agouree Burhur, under Clause 3, Section 18, Regulation II. 1795, was held to be terminated by those same Regulations.

The right to make this arrangement is expressly declared to rest with the Government in Section 24, Regulation II. 1795.

20. The Rajah's tenure is not Talookdarree like Powayne, Sheorajpore, and Jharkee, in Kernadaury. By express enactment the whole proprietary right is declared to vest in the village Zemindars, with whom the Government made a permanent set-

tlement. The Rajah was mere Tehsildar, and has taken advantage of his position, from the remissness of the local authorities, to usurp a right, for which there is no foundation in previous custom or in law. The course of proceeding is here clear and simple, indicated by the law, and restricted by previous declarations and pledges of the Government.

21. The proceedings of the revising Officers have already been generally approved, and those regarding Mouza Peshour Dinialpore, are confirmed with the rest. The Lieutenant-Governor does not see any sufficient reason for reducing the jumma of Talooka Murwah, lower than Rs. 3,208, which is 193 rupees below the permanent jumma of 1197 F. S. The report of the Collector seems to establish that the estate is productive, and is capable of improvement. It yields at present more than the Government jumma, and there are parties, apparently the former farmers, who are resident on the spot, ready to take it. It is probable that Baboo Futteh Narain Singh, with whom the present settlement has been made as proprietor, will not be able to manage the estate. The grounds of his right are not stated, but as he has, till the present time, been excluded from possession, there seems to be no very strong grounds for reducing it further in his favour. Unless therefore some cogent and hitherto unassigned reasons can be shewn for decreasing the jumma, it is confirmed at 3,280 rupees. It seems important on principle not to allow more deviation than is absolutely necessary from the jumma of 1197 F. S.

Para. 25.

22. The general question discussed in these paras. is of great importance, and requires to be definitely settled. It was distinctly enacted in Section 12, Regulation I. 1801, that "no new allotments of the assessment are to be deemed conclusive or valid till confirmed by the Board," and this provision has been uniformly maintained and repeated in all subsequent enactments. It follows that these Butwaras which never have been reported to the Board or confirmed by them, are inconclusive and invalid, and cannot be held binding upon the Government. This is clear so far as the law of the case goes, and the equity of it has been well laid down by the Court of Sudder Dewanny

Irregular Butwarras, paras. 27 to 31.

Adawlut in the case of Collector of Tipperah and Ameerooddeen Appellants *versus* Kishore Ram Doss Respondents decided in June 5th, 1811, the circumstances of which are given in vol. I. p. 331 of the printed reports. The Court rightly held that, where in an estate thus irregularly divided a balance had accrued on one share, the whole estate could not be brought to sale for a balance on one of the separate portions, but that the Government had the power within the period of three years, (now extended to ten years by Section 3, Regulation IX. 1811), from the date on which the irregular partition was brought to its notice, of declaring the whole estate undivided, and of proceeding if necessary to a fresh partition in the usual way.

23. In the case of Mouzah Tuktapore, which is the only one of the irregular Butwarras where loss is likely to ensue to Government, it will be right to proceed on this understanding. The balance therefore which is now outstanding against the village may be struck off as irrecoverable, and the whole Mehal be in future considered as undivided. As the Zemindaree right in Tuktapore now rests with Government, it may be offered to the owners of Khujoorie to be held similarly with the rest of the Mehal, or it may be restored to the former owner, Dial Chowbie, as may be found most suitable. In the event of no person being willing to take it on these terms, a fresh allotment of jumma must be made in the regular method, unless some circumstances hitherto unexplained are adduced which bar recourse to such a measure, and in that event a further report will be necessary.

24. With regard to all the other Butwarras detailed in the Collector's statement of December 13th, 1843, the Lieutenant-Governor is disposed to think that their allowance or conformation is objectionable in principle, and under present circumstances unnecessary for the protection of the interest of the parties concerned.

25. It cannot be too strictly maintained that the settlement of 1197 was Mehalwar and not Mouzawar, and that no partitions or allotment of jumma on the Mehals as then constituted can be recognized unless formally and regularly made as the law directs. This principle has already been asserted as regards Purgunnahs Secunderpore and Budaon by the orders of Govern-

ment, dated March 30th last, and must be held equally necessary of enforcement in all the other purgunnahs of the province.

26. The late introduction of the provisions of Act I. 1841, into the province of Benares renders the disallowance of these Butwarras of small consequence to the proprietors. They will continue to pay as at present, and so long as they do pay, none will be exposed to inconvenience. In the event of default, every effort will be used to realize the balance from the defaulter, and it will only be in the event of these efforts failing, that the whole will become jointly responsible. If the present holders are dissatisfied with this state of things, they have it in their option to apply for partition in the usual manner, which will of course be granted.

27. The Board will therefore understand that the whole of these partitions are disallowed, so far as they involve the formation of separate Mehals. The Board are requested to issue orders for the correction of the Malgoozaree Registers, and will cause it to be made known to the Malgoozars that their joint responsibility for the whole jumma assessed on each Mehal will be maintained, whilst they are allowed to pay separately as heretofore under the provisions of Act I. 1841.

28. It would be satisfactory to be assured that the same principle is asserted in all other parts of the province as well as in Zillah Benares, and in the Azimghur portion. The Board are requested to cause enquiry to be made and to report the result.

29. The best means of setting the question at rest would be to prepare a Mehalwar Register for the whole province, showing how the Mehals stood on any given date, and May 1st, 1845, would perhaps be the most convenient. The return should also exhibit the statistical details required in the printed memorandum circulated to the Collector and other public Officers last year. The whole should be printed, and receive the stamp of official sanction by a notification in the Gazette, setting forth that no partitions of the Mehals so declared would be recognized, unless made in due form and confirmed under the provisions of Regulation XIX. 1814.

30. The Board are requested to take measures for carrying this design into execution, and to forward to Government the

printed Malgoozaree Register when it is completed. No labour or expence should be spared to ensure accuracy in the preparation of this important document.

31. As connected with this subject and with reference to the correspondence with the Board regarding Mouzah Etessovah, Talooka Mutgaon, Purgunnah Kuttehur, the Lieutenant-Governor observes that the whole Talooka is entered as an undivided Mehal with no separate jumma for Mouzah Etessovah, and it is difficult to reconcile this with para. 2 of your latter of 20th June, 1837, No. 228, which represents the Mehal to have been partitioned under Regulation XIX. 1814, and a jumma of 780 rupees to have been then assigned to Mouzah Etessovah.

32. The transfer of Talooka Koondree from Purgunnah Kuswur Sircaree to Purgunnah (para. 32) Pandiaha is approved and sanctioned.

33. The remission of the nominal balances amounting to rupees 9,664 9as. 9p. is (para. 33) sanctioned.

34. The measures now reported are sanctioned and confirmed as recommended in this para., (para. 34) subject to such modifications as may be contained in the preceding paras.

35. The provisions of Act I. 1841, having beeen already introduced into the province, by the orders of July 30th, no further orders on this subject are necessary.

36. The Lieutenant-Governor observes that the late Acting Commissioner Mr. Morrieson exerted himself with most commendable care to complete the report upon this Zillah, and to bring clearly under review all the circumstances arising out of it which required the orders of Government. The Board are requested to communicate to Mr. Morrieson the satisfaction with which his exertions have been viewed.

I am, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 23d September, 1845.

EXTRACTS REGARDING TALOOKA KERNADAURY, ZILLAH BENARES.

Extract (para. 37) from Resident's Report of April 26th, 1789.

37. The principal Rannee and widow of the late Rajah Bulwunt Sing has always been in the habit of farming two or three

Purgunnahs, viz. Rhaloopoor, (in which the palace of Ram Nughur is situated,) and Kuswur or Gungapore, (the original or family Zemindarrees of the Rajahs of Benares) to which at her request at the beginning of the year I added an adjoining Mehal called Kerowna, whereof however I had soon some cause to repent, as I could not afterwards get from her or the Rajah the rent that others would have given for it, insomuch that I lost at least 3,500 rupees upon the bargain.

9th and 10th January, 1789.

Extract from Resident's proceedings of January 28th, 1789, *Enclosures No.* 6 *of his report of April 26th,* 1789.

28th January, 1789.

Read the following particulars of the revenue of Kernadaury.

Particulars of the revenue of Kernadaury.

1*st Mofussil Jumma.*

1187 Mal, ...				13,598	9	0
1195 ditto, ...	14,650	2	0			
Aboah, ...	129	8	6			
Total, ...				14,779	10	6

2*nd Collections (Mofussil).*

1187, ...				13,598	9	0
1195, ...				11,611	3	3
3*rd Doul for* 1196,	12,324	2	0			
Aboah of 1187, omitted as above by Canoongoe's mistake, ...	201	3	0			
				12,525	5	0
Deduct Dehyeke,	1,252	8	6			
Burhay, ..	163	8	0			
Carried over, ..	1,416	0	6	12,525	5	0

Brought over,..	1,416 0 6	12,525 5 0	
Choote,..	174 15 9		
Canoongoe's Nancar,	127 0 0		
		1,718 0 3	
Remains, ...			10,807 4 9

4th Revenue of Government.

1187, ...	14,186 5 0
1195, ...	14,129 15 0

The settlement of this Talooka is made with Hookem Sing, who has for many years rented it on a five years' lease on the following terms.

For 1196 Fussilly,...............	12,501 0 0
For 1197 ditto, ...	13,501 0 0
For 1198 ditto, ...	13,601 0 0
For 1199 ditto, ...	13,701 0 0
For 1200 ditto, ...	13,951 0 0

The above terms of settlement are procured from Hookem Sing with the greatest difficulty, and after threatening to dispossess the holder, as he says the country cannot for this year yield so much, from the neglect of last year's cultivations, in consequence as he asserts of his having remained during that season in confinement by order of the Rajah for the revenue of another Talooka rented by him last year in Gungapoor. On the whole, the resident is well satisfied that this Talooka is rented to the full as highly as it can bear.

Extract from Resident's Report of November 25th, 1790.
Para. 43.

Talooka of Kernadaury, ... 12,064 2 0

43. The settlement of this Talooka (which makes part of the original purgunnah of Gungapoor) for the Fussily year 1196 will show the reduced state into which it had at that period fallen, and the difficulty with which I prevailed upon the farmer to consent to what he represented to be the high terms of the

five years' settlement then stipulated. He accordingly could not hold it beyond the first year, and a satisfactory Mofussil settlement having now been made with the village Zemindars, as far as the periods of their dispossession admitted of reinstatement, and with farmers for the rest on ten years' leases, the collection thereof has, at the Rajah's request, been committed to him, as close adjoining to his own hereditary part of the purgunnah, and he agreeing to charge nothing for the expence of collection, by all which means, a very favourable and solid adjustment of the revenues of this small district has taken place, and, during the course of the ten years' lease, the payments to Government will equal what they ever amounted to.

Extract from Resident's Report of August 13*th*, 1795, *para.* 4.

4. On the amount of the settlement of Kernadaury, (vide para. 43d) of the Settlement Report of the 25th November, 1790: I have allowed to the Rajah, who is its collecting Amil, the usual Dehyek and Burhay, which he had not required, although certainly his right (at the period when the collection of this Talooka was first committed to his Officer's charge,) and the other particulars concerning it are set forth in Section 20, Regulation II. 1795.

Extract from a letter from Registrar, Sudder Dewanny Adawlut to the Officiating Judge of Jounpore, No. 111, *dated January* 20*th*, 1843, *para.* 3.

The Court admit fully that no length of possession less than for a period of sixty years merely in the character of Moostajur, conveys any proprietary or prescriptive right to the Moostajurree holder, so that, in reference to the Moostajur, the twelve year limitation would not apply on a suit brought by a claimant of the proprietary right. But, on the voidance of the 1197 F. S. lease, the estate in the absence of any proprietary claimant, ipso facto lapses to the Government, who become the proprietors. A suit to compel the Government to restore the estate to the old Zemindar must be brought within twelve years from the date of the cause of action arising—that is, the voidance of the 1197 lease. On the death of the original Moostajur, and in

the absence of a proprietary claimant, the Government may assign the estate to whom they please, or retain the proprietary title in their hands, and merely farm it, as they often do. Government being proprietors on the voidance of the lease until another title be proved, the suit must be brought against them, and against them it will not lie after twelve years, according to the statute of limitation.

No. 18.

TALOOKA BUDLAPORE, ZILLAH JOUNPORE.

No. 2184.

To H. M. Elliot, Esquire,

Secretary to the Sudder Board of Revenue, N. W. P.

Agra, dated the 8th June, 1844.

SIR,

REVENUE DEPARTMENT.

I am desired to acknowledge the receipt of your letters, dated April 9th and May 3d, last, regarding Talooka Budlapore, Zillah Jounpore.

2. It is unnecessary to go further back in the history of this Talooka than the period of its confiscation from Sultanut Sing in June, 1795 or 1202 F. S., and its subsequent re-settlement in that same year by Mr. A. Duncan in the manner noted in the margin.*

*	No. of Villages.	Jumma.
With Zemindars,..	74	23,678
Amauny, ...		910
With Moostajurs,		11,513
Total,..	74	36,101

3. That settlement was fully in force during 1203 and 1204, F. S. and was no summary proceeding which could be lightly set aside.

4. The faith of the Government was pledged in Regulation I. and Section 11, Regulation XXVII. 1795, to the maintenance of that as much as of any other part of the permanent settlement. It was altogether out of the power of the Government by any legal process to treat the persons possessing rights in that Talooka, otherwise than they were bound to treat any other persons in the whole province.

5. When therefore they constituted Rajah Sheololl Doobey the Talookdar in 1204, F. S. they did no more, and could do no more,

than transfer to him the power which themselves possessed. Whatever the Government could do, he could legally do in their name; whatever the Government were legally incompetent to do, he could not do. If he, in the name of the Government, did that which was unlawful, the Government were bound to remedy the wrong which themselves had occasioned as soon as it was brought to their notice.

6. There is nothing inconsistent with this understanding of the case in the sunnud given to Rajah Sheololl Doobey. It fixed the demand from him at a certain sum less than that on the villages, and gave him whatever the Government would have been entitled to from unclaimed villages and waste lands not included in the limits of recognized villages.

7. The rights of the village proprietors were not specifically enumerated at the time when the sunnud was granted, nor were rules laid down for the guidance of the Talookdar in the assertion of the rights of the Government which had been transferred to him.

8. But the proclamation of the permanent settlement, and the code of 1795, contained provisions binding all pottah holders to conform to all Regulations which had been passed, or might hereafter be passed, for the preservation of subordinate proprietary rights.

V. Clause 3, Section 111, Regulation I. 1795.

9. Regulations VII. 1822 and IX. 1833, supplied means whereby this preservation might be ensured; and Section 3, Regulation IX. 1825, provided for the application of these means in the permanently settled district of Benares.

10. Here then was a Talooka of no ordinary kind. The rights of the village proprietors and of the Talookdar were not lost in all the uncertainties of a lawless Government, or the obscurity of a long prescription.

11. The rights of the village proprietors were clear, undoubted, confirmed by the law, solemnly recognized by the Government, and had been freely exercised for some time under the sanction of the law.

12. The right of the Talookdar was supervenient. Its extent was precisely limited by law, and confirmed by patent.

13. The law provided the means for defining the one and the other, and for prescribing the mode in which the several rights were to be respectively exercised. The Government were bound to apply the remedy, which their previous neglect had rendered necessary, and they did so by the orders of September 17th 1838, out of which the present proceedings have originated.

14. The course to be pursued under those orders was plain.

15. The land belonging to each village was to be defined and marked off. Whatever land was waste, and not included in any village, was the absolute property of the Talookdar. In the Zemindarree villages settled on that tenure in 1202, F. S. the settlement Officer had only to discover who were the heirs or representatives of the Zemindars of that time, and to investigate any cases of alleged transfer of Zemindarree right to the Talookdar, which might be pleaded before him. If no such legal transfer was proved, he was bound to admit the Talookdars on the jumma of 1202.

16. In the Moostajurree and Amauny villages, he was also bound to ascertain whether there were any proprietors entitled to admission under the terms of the code of 1795. If there were, he was bound to admit them on the jumma of 1202, F. S. or on a fresh assessment on the assets as the case might be. Where no proprietary right was established, the villages were entirely at the disposal of the Talookdar.

17. Rajah Sheololl Doobey or his heir would, under this arrangement, have been continued Sudder Malgoozar, paying the jumma of 32,003-8-3, and would be entitled to collect from the village Zemindars according the jummas, so declared or fixed, and to manage as he pleased those Towfeers lands or those villages in which no proprietary right was established.

18. This mode of proceeding seems to have been prescribed by the Board's orders of Oct. 11th, 1838, and carried out, so far as it could be, consistently with the determination of the Talookdar to resist all interference whatever with the Talooka.

19. He has denied the right of the Government to interfere between himself and his subordinate tenants, and refused to accept the restricted rights which the Government were quite

prepared to recognize in him. By the consequences of this determination he must now abide.

20. Under these circumstances it was only possible to follow the course that has been pursued, to make the settlement with the persons who are best entitled to it, to collect direct from the village proprietors, and to hold in deposit the Talookdarree allowance. If the settlement Officer has erroneously admitted as proprietors, in the Moostajurree and Amauny Mehals, those who were not entitled to admission, the error will be corrected in the Civil Courts, on proofs adduced to their satisfaction.

* Mofussil jumma, ...	34,782
Talookdar's allowance,........	3,994
Government jumma,..	30,788

21. The settlement as per margin* made by Mr. Chester is confirmed.

22. The terms on which the Talookdar is to be allowed the option of engaging with Government, as prescribed in the Board's letter of January 27th, 1843, are approved and confirmed.

23. Till the Rajah accepts these terms, or till the termination of the legal proceedings to which he has resorted, the Talookdarree allowance will accumulate in deposit. During this time, the Collector will take such measures as he can, short of sale, for the realization of the current revenue. It would be wrong to have recourse to sale, because the uncertainty of the title would prevent the realization of a fair price.

24. If the management of these Mouzahs be good, there should be no difficulty in realizing the moderate jumma which has been fixed; but if, notwithstanding every exertion which may be used, balances still accrue, it will remain for future adjustment, when the final arrangement regarding the Talooka is concluded, how these balances shall be disposed of. It is only necessary to bear in mind that the Talookdarree allowance in this instance is not of the nature of a compensation for exclusion from management, but is an allowance to cover risks and cost of collection.

25. The original enclosures of your letters are herewith returned, copies being kept for record.

I am, &c.

J. THORNTON,

Agra, the 8th June, 1844. *Secretary to Govt., N. W. P.*

No. 19.

EXPLANATION OF REVENUE ACCOUNTS OF 1840-41—1841-42.

No. 2263.

To the Right Honorable
Edward Lord Ellenborough,
Governor-General of India in Council,
Dated the 15*th June*, 1844.

MY LORD,

REVENUE DEPARTMENT. In forwarding to your Lordship in Council for transmission to the Hon'ble the Court of Directors the revenue accounts of these provinces for the years 1840-41 and 1841-42, it seems necessary that they should be accompanied by some remarks, to explain peculiar circumstances attending them.

2. The statement in the margin,* contains an abstract of the Revenue Accounts from 1834-35 to the latest date procurable. It will not fail to excite notice that the demand for 1840-41, is much less than in former years, and that the collections for the current year in 1841-42 and subsequently, are much greater than formerly. These variations are apparent rather than real, and the object of

* *Abstract of Accounts in the land Revenue Department from* 1834-35 *to* 1841-42.

Year.	Demands on accouns of current year.	Collections for the demand of current year.	Nett balance after deducting Remissions.	Gross Receipts.	Charges.	Nett Receipts.	Remarks.
1834-35,	4,36,45,448	3,77,89,340	57,23,124	4,52,10,484	65,04,788	3,87,05,696	
1835-36,	4,17,20,064	3,76,92,050	38,30,840	4,41,30,685	67,54,820	3,73,75,865	
1836-37,	4,28,73,225	3,91,13,138	35,42,169	4,52,75,516	67,36,511	3,85,39,005	
1837-38,	4,13,10,549	3,30,68,745	79,86,510	3,81,63,862	65,29,890	3,16,33,972	Famine year.
1838-39,	4,55,48,990	3,63,02,151	69,44,863	4,39,12,570	64,81,339	3,74,31,231	
1839-40,	4,12,06,686	3,56,52,810	49,94,192	4,18,46,441	70,30,058	3,48,16,383	
1840-41,	3,76,42,610	3,47,04,023	24,13,672	4,02,26,573	63,76,783	3,38,49,790	Instalments postponed.
1841-42,	4,44,64,982	4,11,62,994	29,42,238	4,56,57,421	63,07,163	3,93,50,258	
1842-43,	4,41,89,341	4,06,79,465	31,69,705	4,72,85,822	67,43,917	4,05,41,905	
1843-44,	4,37,14,179	4,12,57,857	23,72,633	4,67,95,483	60,64,018	4,07,31,465	

the present despatch is to explain the circumstances to which the variations are owing.

3. Before the year 1840, the revenue for the year used to be collected in 8 or 9 instalments falling due on the 1st of each month of the Fussillee year, from Assin the 1st month corresponding with October to Jeyth the 9th month corresponding with June. It is well known that the Fussillee year is Luni-Solar whilst the English year is Solar; the first and the second series of months could not therefore synchronize. In fact, in the districts, the collections on each instalment commenced on the full moon (the Poornamashie) or the 1st of each Fussillee month, whilst the demand did not appear on the Government accounts till the 1st of the English months next following.

4. This gave rise to much confusion in the compilation of the accounts. The 1st May occurred at a time when collections were being rapidly made on account of the village instalments fixed on the spring crops. Accordingly, as the Fussillee year was less or more in advance on the Civil year, the sum collected was likely to be larger or smaller, although the demand might be little altered. All collected before May 1st was credited to the year ending April 30th, whilst perhaps much of it was on account of a demand, which though actually due in April only appeared in the public accounts on May 1st.

5. Misconceptions and erroneous conclusions from this source gave rise to a correspondence* in 1834-35, and occasioned much trouble before the real circumstances of the case could be explained.

6. The practice in question was not only embarrassing in its effect on the public accounts, but it was also injurious in its bearing on the agricultural interests throughout the country.

7. The minute sub-division of landed property in these

* Secretary to Government to Secretary Sudder Board of Revenue, dated 13th October, 1834.
With annexure.
Secretary Sudder Board of Revenue to Secretary to Government, dated 6th February, 1835.
Secretary to Government to Secretary Sudder Board of Revenue, dated 26th February, 1835.
Ditto to ditto, dated 18th April, 1835.
Ditto to ditto, dated 9th Nov. 1835.
Secretary Sudder Board of Revenue to Secretary to Government, dated 20th Nov. 1835.
Ditto to ditto, dated 12th April, 1836.
With one enclosure.
Secretary to Government to Secretary Sudder Board, dated 26th Sept. 1837.
Secretary to Sudder Board to Secretary to Government, dated 12th April, 1836, with 1 enclosure.

provinces causes the annual demand from a large proportion of the estates to be small, and yet each of these small demands was divided into 8 or 9 portions, and each portion involved all the trouble of a separate visit to the Government Treasury, with the delay and vexation too often attendant on such a visit, and the risk of severe penalties on its omission.

8. But this was not all. The instalments were so fixed that the demand should be made when the crops were on the ground, and before the produce could be taken to market. A large number of the proprietors lived from hand to mouth. They had no surplus capital from which to advance the demand upon the standing crop. They were forced into the hands of money-lenders at very exorbitant rates of interest. If they failed thus to procure money on the security of the crops, the Government had its lien on the crop, and refused permission to cut and carry the produce, till the whole demand had been paid, or security found for its punctual payment on some future date.

9. This was the invariable custom of former rulers. It was a custom sanctioned by the law, and to which recourse might always be made, and was not unfrequently made. It rested evidently on the inalienable prior right of the Government to a portion of the produce of the soil, and was the only course open for the assertion of the right, when the crop was the only asset upon which the Government could count.

V. Clause XII. Section II. Regulation XXVII. 1803.
V. Section II. Regulation VI. 1795.

10. But under the present system of Government, the state of things is very different from what it was under former government. A fixed moderate demand on the land has given to it a marketable value, whilst the general security of property admits of the certain accumulation of wealth and capital. It was therefore no longer necessary to maintain the lien on the crop. The Government had other and less objectionable methods of realizing its just demand, and it was resolved to have recourse only to them.

11. From these considerations there resulted a two fold change in the revenue system, the number of the kists was ;—reduced, and they were thrown further forward in the year.

12. The number of instalments was first fixed at 4 in the year, and November 15th, December or January 15th, determined as the dates on which the instalments upon the Autumn or Kurreef crops were to be demanded, and April 15th, May 15th or June 15th, as the dates on which the instalments upon the Spring (or Rubbee) crops were to be demanded.

See paras. 5 and 6 of printed Circular Order of Sudder Board of Revenue, No. II. dated January 11th, 1840.

13. Soon after a second change was made, and the demand on the Rubbee Kists was still further postponed so as not to fall earlier than May 1st, and June 1st, or altogether in the new Civil year of account.

See para. 104 of printed Circular Order, No. III. dated Augt. 28th, 1840.

14. These changes will be exemplified by reference to the statement in the margin,* shewing the distribution of the annual demand on each month of the years 1836-37, to 1843-44 in Zillah Agra.

* *Table showing the arrangement of the Instalments on Zillah Agra, from May 1st, 1836 to April 30th, 1844.*

Months. F. E. / A. D.	1243-44. 1836-37.	1244-45. 1837-38.	1245-46. 1838-39.	1246-47. 1839-40.	1247-48. 1840-41.	1248-49. 1841-42.	1249-50. 1842-43.	1250-51. 1843-44.
Bysack or May,	2,49,630	2,55,686	3,22,279	4,22,168	15th May. 3,87,683	5,29,212	5,28,359	4,95,397
Jeyte or June,	85,744	87,317	1,61,752	4,24,409		2,11,685	2,11,643	2,05,236
Assar or July,								
Sauin or August,								
Bhadoo or September,								
Total of five months,	3,35,374	3,43,003	4,84,031	8,46,577	3,87,683	7,40,897	7,40,002	7,00,633
Assin or October,	1,81,043							
Kartic or November,	2,45,802	1,05,241	3,16,657	4,45,803	15th Nov. 4,23,370	4,23,370	3,85,365	4,01,492
Aghin or December,	2,41,793	1,05,278	2,11,124	4,50,756	15th Dec. 5,29,212	5,29,212	4,83,010	4,95,942
Poos or January,	1,13,354	2,10,424						
Maugh or February,	73,262	2,10,360						
Fagoon or March,	1,95,010	2,56,324						
Cheyt or April,	2,89,335	3,15,658	15th Apl. 3,16,599	15th Apl. 4,22,995				
Total of 7 months,	13,44,599	12,03,285	8,44,380	13,19,554	9,52,582	9,52,582	8,68,375	8,97,434
Total of the year,	16,79,973	15,46,288	13,28,411	21,66,131	13,40,265	16,93,479	16,08,377	15,98,067

N. B. There are some irregularities in this Table arising from local causes. The high demand of 1839-40, is probably owing to the cause mentioned in para. 19.

15. The effect of this distribution upon the apparent demand for each Civil and Fussillee year of the same period, will best appear by the annexed* arrangement of the totals, for the first five and last seven months of each year in the preceding table.

16. The evident result upon the annual demand is, that there must be one instalment short for the year 1840-41,

* *Table showing the demand in Zillah Agra for each Commercial and each Fussillee Year, from 1836-37 to 1843-44.*

F. S. year.	Demand for each F. S. Year.	Instalments.	Amount of Instalment.	Demand for each Commercial Year.	English Commercial Year.
		1st 5 months of 1836-37, ...	3,35,374	16,79,973	1836-37
1244, ...	16,87,602,...............	2d 7 ditto of ditto, ...	13,44,599		
		1st 5 ditto of 1837-38, ...	3,43,003	15,46,288	1837-38
1245, ...	16,87,316,...............	2d 7 ditto of ditto, ...	12,03,285		
		1st 5 ditto of 1838-39, ...	4,84,031	13,28,411	1838-39
1246, ...	16,90,957,...............	2d 7 ditto of ditto, ...	8,44,380		
		1st 5 ditto of 1839-40, ...	8,46,577	21,66,131	1839-40
1247, ...	17,07,237,...............	2d 7 ditto of ditto, ...	13,19,554		
		1st 5 ditto of 1840-41, ...	3,87,683	13,40,265	1840-41
1248, ...	16,93,479,...............	2d 7 ditto of ditto, ...	9,52,582		
		1st 5 ditto of 1841-42, ...	7,40,897	16,93,479	1841-42
1249, ...	16,92,584,...............	2d 7 ditto of ditto, ...	9,52,582		
		1st 5 ditto of 1842-43, ...	7,40,002	16,08,377	1842-43
1250, ...	15,69,008,...............	2d 7 ditto of ditto, ...	8,68,375		
		1st 5 ditto of 1843-44, ...	7,00,633	15,98,067	1843-44
		2d 7 ditto of ditto, ...	8,97,434		

and consequently a reduced sum demandable for that commercial year. The table* furnished by the Accountant to the Sudder Board of Revenue, shows how this has been the effect on the demand for each English year of account throughout the provinces, whilst the demand for each Fussillee year has been free from such variations.

17. The effect on the collections has been to make those for each year succeeding 1840-41, or that of the change apparently larger, but this has mainly arisen from merely transferring a sum from one account to another. The revenue receipts of the year are shewn in different statements accor-

* *Statement shewing the demand of each F. S. Year of Account from* 1834-35 *to* 1841-42.

F. S. Year.	Demand for each F. S. Year.	Arrangement of Kists.	Amount of Kists.	Demand for each English Year of Account.	English Year of Account.	Remarks.
5 months of 1241, ...	......	Bysack to Badhoo,..	1,16,77,380 9 2			NOTE.—The arrrangement and amount of Kists have been taken from Revenue Accountants General Books down to 1839-40, but from 1840-41 the Rubbee Harvest Kists falling due subsequent to April have been assumed for the five months, and the Kurreef Harvest Kists collectable from Nov. for the seven months of the Fussillee year.
1242, ...	4,17,93,066 9 6	Assin to Cheyte,....	3,19,68,067 13 4	4,36,45,448 6 6	1834-35	
		Bysack to Badhoo,..	98,24,998 12 2			
1243, ...	4,21,71,856 8 8	Assin to Cheyte,....	3,18,95,064 13 2	4,17,20,063 9 4	1835-36	
		Bysack to Badhoo,..	1,02,76,791 11 6			
1244, ...	4,35,23,523 13 9	Assin to Cheyte,....	3,25,96,432 14 7	4,28,73,224 10 1	1836-37	
		Bysack to Badhoo,..	1,09,27,090 15 2			
1245, ...	4,35,15,060 12 1	Assin to Cheyte,....	3,03,83,457 12 8	4,13,10,548 11 10	1837-38	
		Bysack to Badhoo,..	1,31,31,602 15 5			
1246, ...	4,40,57,953 14 7	Assin to Cheyte,....	3,24,17,387 15 4	4,55,48,990 14 9	1838-39	
		Bysack to Badhoo,..	1,16,40,565 15 3			
1247, ...	4,36,09,675 2 7	Assin to Cheyte,....	2,95,66,120 7 8	4,12,06,686 6 11	1839-40	
		Bysack to Badhoo,..	1,40,43,554 10 9			
1248, ...	4,54,42,557 15 4	Assin to Cheyte,....	2,35,99,055 6 2	3,76,42,610 0 11	1840-41	
		Bysack to Badhoo,..	2,18,43,502 9 2			
7 months of 1249, ...	......	Assin to Cheyte,....	2,26,21,479 12 1	4,44,64,982 5 3	1841-42	

dingly as they are on account of the demand for the current or preceding years. Prior to 1841-42, a great part of the collections on account of the spring instalments, which fell due before May 1st, were made after that date, and therefore excluded from the statement which showed the collections of the current year. In 1841-42, and subsequent years, the whole of the demand, as well as the collections on account of the spring instalments, were thrown after May 1st, and came into the statement of collections for the current year. The annexed statement* shows the collection of Land Revenue in each year on each account, and proves that the real total variation was not much.

18. There are several circumstances which have lately tended to derange the accounts, and to make them uncertain criteria of the real state of the country.

* *Table shewing the Collections of Land Revenue within each year from 1837-38 to 1842-43, according to the year on account of which they were made.*

Year.	On account of Current year.	From lands not entered in Touzeeh.	On account of preceding year.	On account of years before preceding year.	Total Collections within the year.	Remarks.
1834-35,…	3,77,89,341	9,46,126	40,36,317	2,37,698	4,30,09,482	
1835-36,…	3,76,92,050	12,42,818	27,22,184	2,04,357	4,18,61,409	
1836-37,…	3,91,13,138	15,57,862	20,18,507	2,50,049	4,29,39,556	
1837-38,…	3,30,68,745	7,93,455	2',23,760	1,98,234	3,61,84,194	Famine year.
1838-39,…	3,63,02,151	7,61,702	46,52,890	1,60,100	4,18,76,843	
1839-40,…	3,56,52,811	9,08,784	32,23,648	1,03,607	3,98,88,850	
1840-41,…	3,47,04,023	7,27,058	24,20,144	1,31,756	3,79,82,981	
1841-42,…	4,11,62,994	15,34,325	3,71,582	1,74,073	4,32,42,974	Year of postponement of Instalments.
1842-43,…	4,06,79,465	35,48,445	3,27,415	2,79,796	4,48,35,121	

19. The famine year 1837-38, (F. S. 1245) did much to injure the country, and spread its effects over several years. The Collectors in that and subsequent years were induced to make their spring instalments the heaviest, in the hope that a good harvest then might enable them to recover their balances with less distress to the people. This is apparently the cause why the demand for 1838-39, is so much heavier than for 1837-38.

20. The settlement operations have swollen the amount of collections for demand not in the rent-roll (Touzeeh), and have increased the apparent balances. The settlement Officers fix the actual demand according to their discretion, augmenting in some cases and reducing in others, but they cannot shew in their accounts the entire change without having obtained the sanction of the Government. This is seldom obtained till some years after the settlement has been made, and in the mean time the demand and the balances* are in great measure nominal, whilst large collections are made which are not entered in the rent-roll. The accounts in this respect cannot be true, till all the settlements have been completed.

21. The effect on the accounts of the new arrangement of the Government instalments is however of very small importance, when compared with the effect on the agricultural concerns of the country.

22. It is in fact the greatest change which has yet been made in the revenue administration of this country. The Government has voluntarily given up its lien on the crop, and encouraged the agriculturists to cut, carry, and sell their produce, and then pay their revenue from the proceeds of the sale. As is the case in all changes amongst a rude people, it was viewed with much suspicion at first. The Native Government Officers were opposed to it, because it increased the difficulties of their work, and deprived them of many established sources of petty gain. The capitalist and petty money-lenders were averse to it, because it deprived them of the advantages and power they before possessed. The large extravagant proprietary communities of Goojurs or Rajpoots profited little by it, because they always lived thoughtlessly, and knew not how to keep money when it once came into their hands. Those whom it most benefited were the least influential and intelligent class of the

* The amount of nominal balances in 1842-42, has been ascertained to be 19,42,693. This reduces the actual nett balances within the year to 9,99,545. If from this be deducted the sum of 3,27,415 realized the following year, there appears a balance of only 6,72,130 to 41,490,509 collected, or very little more than 1½ per cent.

community, viz. the industrious and thrifty cultivators. But to these it is an evident and a substantial boon.

23. Wherever the settlement is light and the country thriving, the effect of the measure has been most beneficial. The revenue has been paid cheerfully, punctually, and with great ease. In Rohilcund, the Upper Doab, and Goruckpore, it has been particularly successful. In the central Doab, where the people had been impoverished by famine, and in the Delhi division, where the village communities are large, turbulent, and wasteful, it has been less so. Generally, the distrust which it excited at first, has begun to wear away, and its benefits are more appreciated than they were.

24. The difficulty of making the collections is of course increased. Care and discretion are more required than before, in selecting the proper mode of enforcing payment, and greater promptitude is necessary in its application. The tendency undoubtedly is to render sales of land for arrears of revenue more frequent than before. But the process is no longer blindly adopted. There is the initiatory statement of the case, and report to the Sudder Board of Revenue of the peculiarities of the tenure which it will affect, and of the circumstances which render its application appropriate and advisable. Without the sanction thus previously solicited, and deliberately accorded, no sale can take place. With these precautions, the sale process is often the one best calculated to realize the balance.

25. Another interesting effect of this great change is upon the currency of the country. It is evident that the same sum, which before was paid into the Government Treasuries in smaller sums at eight or nine periods of the year, now has to be paid in at four periods in larger sums. The money, which might before have passed eight times through the Government Treasury, will now ordinarily pass but four times.

26. As the collection of the land revenue is the great financial operation of this part of the country, it might be inferred that a much larger quantity of specie would now be required to conduct the pecuniary transactions of the country than was before necessary, and that there would be great complaints of scarcity of money.

27. Such however has not been the case, so far as common report goes.

28. I do not feel myself competent to follow up the enquiry in all its bearings, nor would it be useful to do so. It is sufficient to remark that, subsequently to the year 1838, the large military operations on and beyond the north-western frontier have completely altered the nature of our financial operations. Before 1838, and the famine year which immediately preceded it, a crore of specie used to be annually remitted to Calcutta, whereas now we are forced to draw a crore or thereabouts from Calcutta. It may not be easy to say whether this has been entirely owing to the military operations, or whether part may have been required to add to the circulation. It is probable that the great military expenditure has kept money rapidly in circulation, and prevented it from stagnating, as it might otherwise have done, in the Government Treasuries. If this expenditure were stopped, much distress and inconvenience would be experienced.

29. There can be no doubt that the present arrangement has added much to the difficulty of rightly distributing the resources. In December and January, and again in May and June, the Treasuries are very full, whilst in the intermediate months the receipts are comparatively small. The period of greatest difficulty is October, just before the Khurreef or Autumn Instalments fall due. Unfortunately this is the time of greatest activity in India, when campaigns are planned and armies set in motion, and when the demand for money is the greatest. It of course follows that remittances from Calcutta should be made, so as to reach the place where they may be required just at the time when the local resources fail, and this is the point to which the attention of the Accountant is constantly directed in his character of Superintendent of Resources.

30. In conclusion, an attempt has been made to show that, during the years in question, a great administrative change has been made in the revenue management of the country, and that, though this change has made some apparent fluctuations in the accounts, it has in fact had no prejudicial effect on the resources of the state. On the contrary, the returns show an evident

improvement in the finance of the country. There is no doubt that this improvement will be still more perceptible, when the accounts are made up of the year which has just expired. If the seasons continue favorable, we may reasonably expect that the collections will be made with undiminished punctuality, whilst the demand will go on steadily though gradually increasing from the falling in of life rent-free grants, and the effect of increasing (Russuddee) assessment.

I have, &c.

J. THOMASON,

Lieutenant-Governor of the N. W. P.

Agra, the 15*th June*, 1844.

No. 20.

COPIES OF CIVIL DECREES TO COLLECTORS.

No. 138.

Minute on the subject of furnishing Civil Decrees to Collectors, by the Honorable the Lieutenant-Governor of the North Western Provinces.

Agra, the 19*th October*, 1844.

The Government of India enquire whether it is desirable or necessary that the Collectors of revenue should be furnished by the Civil Court with copies and abstracts of all decrees affecting proprietary right or possession of lands paying revenue immediately to Government. This question involves important principles. It depends upon the relative position of the judicial and revenue authorities in these provinces, and upon this subject some detailed explanation appears to be requisite.

2. The distinguishing feature of the revenue administration of these provinces is the system of Mouzawar or village settlement, as distinct from the systems of Zemindaree and Ryotwarry settlements. The term Mouzawar or village settlement is a commonly used, but not an accurate one. It means a settlement formed with a community of proprietors for the village or villages of which they are joint owners.

3. Throughout the North Western Provinces, we find a large number of the villages held by communities of Cultivators, whose relations with each other are adjusted by peculiar rules of very different form. The one pervading principle is that of separate and joint responsibility. Each proprietor is primarily responsible for payment of the share of the Government revenue due from his portion of the estate. The whole community are ultimately responsible for the amount due from the entire Mehal. The Government make it a rule to proceed first against the individuals separately, but on failure of effort to realize from them, they are able to proceed against the whole body jointly; and there is nothing to prevent their proceeding in the first instance against the community, if such a course be considered preferable.

4. Provision was made by Regulation VII. 1822, and IX. 1833, for defining and recording all these liabilities. When they had been so defined, the Legislature, by the enactment of Act I. 1841, recognized and confirmed the system of administration founded upon this state of property. Efforts have since been made to maintain and enforce these principles.

5. It is needless to enquire whether this is a desirable state of property. It was the state we found existing when we acquired the country, to which the people were much attached, and which could not have been altered without great injustice. It was some time before the real state of property became known, and during that period many errors were committed and much injustice done. As soon as it was known, the Government addressed itself energetically to correct its errors, and to maintain and confirm the existing state of things. This has been done, and no one can now advocate the demolition by indirect means of what has been erected by great and costly effort. All the difficulties attending the question must be grappled with, and fair provision made for meeting them.

6. Under this system the ordinary functions of a Collector of land revenue must be, to a certain degree, judicial. So long as the community remains free from derangement, his duty as Collector is simple. He is the recipient of the sum paid to Government. It is most desirable that he should be nothing

more; and every thing is done to promote independence and self-government on the part of the communities. But occasions will unavoidably arise, which call for discretion and management. On the occurrence of a balance, he has to investigate the cause of the balance, and to determine the person from whom it is due, and the means by which it is to be realized. All these are judicial functions of the highest character. They require an intimate acquaintance with the peculiar constitution of the community, and of all the circumstances which affect it. Every facility has been afforded for the acquisition of this knowledge. At the time of settlement the constitution of each community was determined. From that time, by an uninterrupted series of village registers, all changes in the property of the several members of the community are recorded in the Collector's Office. No change can take place in them by the action of the Courts but it is immediately reported to him in all its bearings, and almost all the changes in property by those Courts are effected through his agency.

7. Such being the existing arrangements, the Collector, on the occurrence of a balance due from any Mehal, approaches his duty with every advantage. He has subordinate to him a well paid respectable agency throughout his district, who on the spot, and in the immediate presence of the hereditary and purgunnah village Officers, investigate and report on all such cases; and he has further, in his own Office, the means of checking and testing all the information thus conveyed to him.

8. With data like these before him, he should be able to decide whether the default is owing to deficiency of assets, or to embezzlement,—from whom the balance is due; and whether, under the constitution of the community, it should be realized from the individual, or be made good by the whole community.

9. It thus appears that an accurate record of rights is necessary for the due performance of the Collector's functions. But if so, it is most important that the Collector be apprized of all confirmations or alterations of the record which the Judge may make, in all its bearings, and with all its possible effects. Accuracy in this respect cannot be better ensured than by furnishing him with the best and most authentic information of all

such changes. It would be unwise to leave this to the chance representation of a party concerned, when it can be authoritatively furnished by the tribunal which authorizes the change.

10. In fact, it is peculiarly important that the Collector should have the earliest and best information of all such changes. It is probable, and is indeed notorious, that villages, where suits are in progress, are of all others most likely to fall in balance. During the suit, heavy expences are incurred, titles are brought into suspicion, temptation is afforded for embezzlement and misappropriation of assets. As soon as the suit has been decided, its bearing on the interests of the whole community, and the mode and time of its enforcement, all tend to derange the economy of the village, and to bring it necessarily under the cognizance of the Collector. It is therefore right that he should have immediate information not only of the fact of the decree, but also of all its features, and all its circumstances.

11. But evidently the connection between the two classes of functionaries, the Judges and the Collectors, has a much wider range than is implied in this simple transaction. The duty of the Collector in the summary suit department, in the collection of the revenue, and in his capacity as Magistrate (with the powers of which Office he is always most usefully invested), is to maintain possession, and to suffer no violent or forcible derangement of the relations between the several agricultural classes as determined at the time of settlement. He is, in fact, the protector and conservator of the agricultural interests. No calamity, or mal-administration of any kind, affecting the agricultural community can take place without his perceiving its effects.

12. To the Judges on the other hand is entrusted the duty of carefully examining all cases of alleged hardship or wrong, which any man may desire should be investigated and redressed. It is most important that there should be such tribunals, and that all their proceedings be so arranged, that the demand for redress should not be made in vain, and that the hearing of the case should proceed with due deliberation, and full discovery of all the circumstances which bear upon it.

13. In the constitution of the service, it is wisely arranged that the knowledge to be acquired in a Collector's Office should

be first mastered, and that the Officer should ordinarily be then promoted to the Office of Judge. In the North Western Provinces, the great mass of litigation respects landed property directly or indirectly. Agriculture is the occupation which affords support to the bulk of the population, and agitates their passions to a degree that is not readily conceived by those who have not watched them narrowly.

14. The great qualification of an administrative Officer is acquaintance with the landed tenures of the country. This knowledge he cannot better acquire than in the Collector's Office, where he is brought into constant intercourse with all classes of agriculturists, and is forced for the proper discharge of his duties to become acquainted with their feelings, their customs, and laws. When he has attained this knowledge, and learned the system under which the knowledge has been recorded and made available for immediate reference, he is competent to undertake the higher Office of a Judge, and to examine, according to the simple rules of procedure observed in our Courts, the individual cases of alleged wrong which are singled out from the mass of transactions, and placed before him for examination by the party considering himself aggrieved.

15. In their united operations, it is the part of the Collector so to preserve and dispose his records as to enable the Judge at any time to consult them, and bring to bear on every case, all the light which it is possible they should throw; on the other hand it is the duty of the Judge to avail himself of the important information thus placed at his disposal, and not to decide on the insulated case brought before him till he has viewed it in all its bearings, and with reference to all the principles and precedents which the Collector possesses. When he has come to a decision, he finds the Collector a ready, trustworthy, and most efficient agent for giving effect to his orders.

16. These principles have been recognized by the Sudder Dewanny Adawlut, and Sudder Board of Revenue. Both of those bodies have devoted themselves conscientiously and vigorously to work together for the public good; and, considering the weakness and imperfection of our instruments, and the innate difficulty of the subject, much progress has already been made in enforcing the principles referred to.

17. But whilst advertence is had to the great facilities thus afforded for improved administration, it is right to notice also the checks upon mal-administration which such a state of things affords.

18. In all countries, and under all systems, ignorant or dishonest men will find their way into the public service. In India we are most of all exposed to these dangers. Our English functionaries are very likely to be ignorant; the native functionaries are too often dishonest. This will be the case in the Judicial as well as the Revenue branch of the service. A remedy is sought in a system of appeals under which every order of a subordinate is open to review by a superior. This is perhaps as good a remedy as can be found, but evidently the provision against error is greater in the Revenue Department than in the Judicial. A man who fails to find redress in the series of Revenue Officers has recourse to the Judicial, and knows that he can there obtain a deliberate hearing of his case. But the man who suffers from an injury inflicted by a Civil Court has no further resource.

19. This is necessarily the case; and the Officers in the Judicial Department should be of a sound discretion and matured judgment, which would render further investigation unnecessary. Practically it has not been so, and is not likely to be so for a long course of years. The errors, which pervaded our early Government of these provinces, notoriously and fatally affected our administration of justice. Great effort has been made to remedy them. And a greater proof both of the extent of the error, and of the honesty of the redress cannot be found than in the annexed extract* from a Circular Order of the Sudder Dewanny Adawlut, which respects all unexecuted decrees having reference to the very tenures, (viz. those of village communities,) which have already been described to be

*_Extract Rule 7th of Sudder Dewanny Circular Orders, dated June 24th_, 1842, _published in Government Gazette of October 4th_, 1842.

"As regards unexecuted decrees already passed for lands held in severalty, but in respect to which the above rules have been unobserved, the Courts will use their best endeavours towards the enforcement of such decisions as far as possible; but should the Collector shew to the satisfaction of the Judge, that there exists no common holding to meet the requirements of the award, the decree must be pronounced incapable of execution, and struck off the file, the parties being allowed to bring fresh suit under the present rules for the precise thing claimed."

so common as to give a distinctive character to the administration. It may be fairly doubted whether, at this present moment, the Collectors of land revenue do not as a body possess more sound and more extensive knowledge of the landed tenures than the Judges. So long as the present system exists, it must always be that some of the Collectors will be superior men to the Judges with whom they are called upon to act.

20. Such then being the state of the case, it is some safeguard against error that all decisions or acts of the Courts affecting landed property should come under the cognizance of the Collectors as soon as possible, and be carried into effect by them. In this capacity the Collectors are simply ministerial Officers, bound to register and to execute as they may be required. But they are independent and intelligent ministerial Officers. They will view the actions of the Courts with all the advantages, and in all the lights, which their responsible and commanding position affords. It is no small check upon mal-administration to know that every action will or may come under the cognizance of such an agent, and may be thus scrutinized. There is a power of remonstrance, of representation, and of exposure, which is perfectly consistent with implicit obedience. That power a Collector or ministerial Officer of a Court has full liberty to exercise. It is his bounden duty to exercise it, if he has any proper regard for the responsible charge which the Government has placed in his hands. Instances might be adduced where it has been beneficially used. Undoubtedly it will often happen that the Judge needs no such check, or that the Collector is quite incompetent to supply it. But there is an increased chance of the prevention of injustice when a second independent Officer and establishment is employed, and opportunity is afforded for viewing the subject in a new light, and with fresh means for the discovery of truth. The Judge can never know to what process of examination his decision may be subjected by his brother functionary. The Collector must implicitly obey, and if he unreasonably remonstrate, he brings discredit on none but himself.

21. Much has been done of late years to accelerate the administration of justice, and the proceedings of our Courts are

now perhaps as rapid as is practicable or desirable. But very much remains to be done in order to improve the character of our judicial administration. The very celerity of its operation makes it a fearful instrument of evil, whenever its course is wrong. All the vigilance of the Government is necessary to watch over this part of the system.

22. It has perhaps been too much the tendency to respect the independence of the Courts, even to the sacrifice of wholesome and necessary control. In England we are accustomed to the Courts as a barrier against usurpation, and as the protector of the rights and liberties of the subjects, in a nicely balanced constitution. For this purpose the Courts are regarded with the greatest deference and respect, and facilities exist for so constituting them that they should deserve and command these feelings. But such cannot be the state of things in India. We have no prerogative against whose encroachments the Courts are to protect the people. It is not necessary to guard the independence of the Courts from all superior influence, lest they become too compliant and subservient. The dangers are from ignorance and dishonesty. The fear is lest, by the neglect of due control, errors be countenanced, and corruption screened. There is much in the system of formal proceeding, and judging of a case upon the written papers, which enables a clever Officer to dress up a case, so as to prevent the exposure of the ignorance of his master, or his own dishonesty.

23. It may be difficult or impossible to prevent this, but the consciousness of such liability to error should make us prize every collateral check which can be devised; more especially should we maintain a check so beneficially as the moral influence exercised by the Collector.

24. There is every thing in the present working of the Courts to call for vigilance. The system of record and registry is only beginning to be understood, and its benefits to be appreciated. Every man now may feel that he has a valuable transferable property, but he has yet to learn how easily that property may be imperilled by his imprudence, and he has to acquire those habits of thrifty industry, which will enable him to turn the property to good account. It may be more difficult now by

open force, or by false suit, to deprive a man of his landed property; but it is comparatively easy to involve him in debt, and to bring his property to sale, in satisfaction of that debt, for a very inadequate sum. Sales of lands in execution of decrees of Court have increased to a degree which cannot but excite apprehension. Such sales are now easily and rapidly effected through the means of the Collectors.* If at any time we are desirous to trace the effect of these sales and the condition of the people, the Collectors can easily give us information on the subject; and they have already been very beneficially employed in throwing light on the result of some of the rules of the Civil Courts in this respect.

25. It will not be prudent to underrate the value, and the political importance, of maintaining the closest watch over the proceedings of the Civil Courts. In former times, a man worked the destruction of his opponent by open means. They met in fair combat. The weaker fell or fled the country. As long as life remained he looked to the possibility of recovering his rights. He might recruit his resources, re-assemble his followers, and again obtain his own. Whatever feelings of resentment or revenge he entertained were directed against his antagonist, and him only. The case is now different. Private and personal feuds are terminated. The man, however weak, who

The returns at present possessed on this subject are very incomplete; such as can be obtained at the moment, are here shewn.

Abstract return of sales of land by Collectors in execution of decrees of Court.

Divisions.	1841-42.		1842-43.		1843-44.	
	No. of cases.	Amount.	No. of cases.	Amount.	No. of cases.	Amount.
Delhi,.. ..	26	7,338 7 2½	17	3,552 12 3½	54	13,784 9 8
Meerut, ..	315	68,988 8 0	435	1,09,004 10 0		
Rohilcund,	119	27,562 12 10	174	49,320 1 0	199	75,241 15 3
Agra, ...	302	96,166 8 3	360	99,969 4 3		
Allahabad,	299	1,46,065 15 8½	326	1,90,963 5 9		
Benares,..	517	3,41,852 6 7	576	3,63,959 10 7		
	1,578	6,87,974 10 7	1,888	8,16,769 12 8½		

can make good his claim in our Courts, enlists the irresistible force of the Government on his side. By whatever means a suit is gained, however great the injustice, it is unalterable. No change of Officers, nor lapse of time, can bring redress for a wrong once legally inflicted. The death or the ruin of the antagonist brings no reparation to the defeated suitor. The consequence is evident. The enmity of the ruined man is transferred from the individual to the State. He feels that henceforth there is no hope for him but in the downfall of the system. He becomes as much a disaffected man as though he had been ruined by some direct act of the Government.

26. These facts are the evident and unavoidable result of the establishment of a firm Government. But the change is yet recent in the memory of the people, and they have not yet acquired so completely the feelings of respect for the judicial authority as to acquiesce implicitly in its operations, especially when those operations are not conformable to their ideas of justice. It is not many years ago that an insurrection was occasioned in Ramghur, and the Cole country, from the unrestricted operations of the Courts of justice. The Government perceived the evil; and at once, by excluding those territories from the influence of the Regulations, put a check on the obnoxious proceedings. It would be prudent to bear this in mind, and not lightly or unnecessarily to relax any means of control, which the present fair and legitimate working of the system affords.

27. An attempt has thus been made to show the importance, more especially in this part of the country, and at this conjuncture, of maintaining a vigilant watch over the proceedings of the Civil Courts. It has been shown that the establishments entertained for the collection of the land revenue may afford important means both for aiding the administration of justice, and maintaining a check against the perversion of justice. It has further been shewn that the exercise of these functions by the revenue establishments is perfectly consistent with, and necessary for, the right discharge of their primary duties as Collectors of the land revenue.

28. If there is any truth in these premises, it follows, as a

natural result, that it is unwise to adopt any measure which should tend to disunite the two sets of functionaries, and leave the Judges to work out their ends independently of the Collectors. Some design of this nature was apparent in a late proposal to allow the Civil Courts to conduct, through the agency of their own Officers, sales of land paying revenue to Government, in execution of their own decrees. The design further appears in the present proposal to relieve the Civil Courts from the obligation to furnish the Collectors with copies of all decrees affecting lands paying revenue to Government. It is on this account that I have thought it right to seize the present opportunity of stating, at some length, to the Supreme Government the preceding considerations, which appear to me most vitally to affect the welfare of these provinces, and the credit of our general administration.

J. THOMASON,
Lieutenant-Governor, N. W. P.

Agra, the 19th October, 1844.

No. 21.

MOUZAH OLINDA, ZILLAH AGRA.

Orders regarding Mouzah Olinda, Zillah Agra, and on the principles upon which estates are to be brought to sale for arrears of revenue, 23rd November, 1844, No. 79.

No. 5109.

To the Secretary, Sudder Board of Revenue, N. W. P.

Agra, dated the 23rd November, 1844.

SIR,

REVENUE DEPARTMENT. I am directed to acknowledge the receipt of your letter, No. 513, dated October 11th, 1844, regarding sales in Zillah Agra.

2. The remarks of the Board involve so many general principles that, before proceeding to the particular cases now under consideration, the Lieutenant-Governor feels it necessary to explain his views regarding the position and duties of a Collector of land revenue under the present system.

3. Throughout the North Western Provinces, it is found that the land is more or less held by bodies of small proprietors, who are severally and jointly responsible for the payment of the revenue assessed upon the village which they hold. These proprietary communities are so numerous as to give a distinguishing character to the revenue administration. Regulations VII. 1822, and IX. 1833, were passed to admit of the formation of an accurate record of the rights of all the members, and Act I. 1841 was framed to enable the Collector to enforce the several, as well as the joint, responsibility.

4. All the fiscal arrangements have been directed to the support of these village communities. Every effort has been made to fix a moderate assessment, which, after satisfying the just demands of the Government, should leave a fair surplus to the proprietors. The lumburdars, or elected representatives of the community, have been invested with legal powers to enable them to collect the Government revenue, and to manage the village concerns. The proprietors are, in fine, allowed to cut and sell their crops before they are required to pay the Government demand.

5. Every possible provision has thus been made to promote self-government, and to encourage industry. In ordinary seasons, it is in the power of every well-ordered community to prevent any interference with their concerns on the part of the revenue Officers of the Government.

6. It is most desirable that they should thus govern themselves, but experience and the nature of circumstances show that it is impossible they should always do so. The vicissitudes of the season in a climate remarkably subject to variation, animosities and rivalries amongst the members of the community, or the crimes or misfortunes of some of them, constantly occasion the derangement of the affairs of the village, and require the intervention of the Officers of the Government, in order to realize the just claims of the State.

7. The intervention will be more or less frequent according as the climate is more or less liable to variation, or as the character of the people differs in thriftiness. In any case however the amount of the assessment is only the maximum demand

of Government. A limit is fixed for the demand, in order to encourage the production of a surplus; but it is fixed with the full knowledge, that in many cases it will be realized only with difficulty, or not realized at all.

8. From these considerations, careful provision has been made that the Collector should possess every possible facility for interposing with effect. Besides a most efficient establishment at the Sudder station, he has subordinate to him several highly paid and strong Tehseeldaree establishments, judiciously distributed over the district. In each pergunnah he has the aid of the Canoongoes, and in each village of the Putwarree. In the records of his own Office he has, or ought to have, a full explanation of the constitution of the village community, and of the resources of the estate at the time of settlement, with an annual record of the changes that take place.

9. The means thus placed at his disposal, when rightly used, enable him, on the occurrence of circumstances which call for his interference, or in other words on the occasion of default, to approach the enquiry with the certainty of discovering the truth. It should be assumed that a Collector ought never to be ignorant of the facts of the case.

10. The default then must have arisen from one of two causes, deficiency of assets, or embezzlement of proceeds. This is the first fact to be ascertained. If it be from deficiency of assets, the Collector must then consider whether he should nevertheless enforce the demand, or whether he should propose its temporary suspension or entire remission.

11. If the Malgoozar be wealthy, having accumulated capital from the surplus profits of former years, or being possessed of other profitable estates, it may be justifiable to insist on payment of the demand. If the injury to the village be accidental and temporary, and the assessment so light as generally to yield a large surplus, although the proprietors may have accumulated no surplus, it may be sufficient to propose a temporary remission. If the injury be great, the proprietors poor, and the general surplus small, entire remission of the balance may be unavoidable, and perhaps re-settlement at a reduced jumma may be advisable.

12. Supposing it appear on the other hand that the default has arisen from embezzlement, it is then necessary to decide who has embezzled the amount, and by whom the embezzlement is to be made good. If the village belong to an individual, the case is simple; if to a proprietary community, it must be shewn from whom the sum is due, and in what way and on what conditions according to the constitution of the village, the sum is to be made good. It may be that, on the insolvency of an individual, his Puttee, or his Thoke, or the whole community, are bound to make good the default by a rate on their seer land or their ploughs. The Collector possesses every facility for immediately determining this, and fixing the responsibility on the right person.

13. The next step in the process, is to determine the mode in which payment is to be enforced. The Regulations and Acts give a large discretion in this respect. The Collector is declared competent to resort to many methods, but no one method is rendered obligatory on him. He may proceed against the person of the defaulter, by seizing and imprisoning him. He may distrain his personal property. He may attach the crops on the ground. He may resort to his lien on the property by annulling the settlement and attaching the estate, or by farming it to any person willing to pay up the balance, or by selling it to the highest bidder at public sale.

14. The Government has always recognized the existence of this option as indispensable to the realization of the revenue. The very existence of an option involves the necessity for sound discretion. The sole object of the Government is to ensure the exercise of this sound discretion, and whenever it discovers that from carelessness or from ignorance the matter has been slurred over, and one or other of the optional courses blindly followed without any enquiry into its appropriateness to the case in question, it is the duty of the Government to call for an explanation, and to point out the error.

15. The process is essentially judicial, and in this, as in all other such proceedings, it is necessary that facts be rightly ascertained, the limits of option properly understood, and discretion soundly exercised. If such have been the case, praise, and

not censure, will always be deserved, whatever may be the result. If such have not been the case, some degree of censure must attach to the individual who erred, but its degree will depend on the nature of the error. If from idleness he neglected to inform himself of what he might have easily ascertained, his offence is a serious one; but if from defect of judgment he was misled or acted indiscreetly, his error is a venial one.

16. It does not seem a hard or unreasonable requisition that all Collectors should follow this process in the realization of a balance, or that the controlling authorities, when they are required to sanction the enforcement of any particular measure should satisfy themselves that such a process has been followed. Until the requisition be enforced, the revenue administration must always be in an unsatisfactory state, and the Collectors remain in ignorance of their first duties.

17. It remains now to proceed from the general principles to the particular cases under consideration.

18. The Lieutenant-Governor was startled to find advertized in the Official Gazette, as for sale by public Auction for arrears of revenue, a number of small properties in Zillah Agra, which was known to have suffered greatly from the late famine, and to be still in a depressed state. He felt it his duty to call upon the Board to "explain the considerations which induced them to give their sanction to the proceeding." It would have been most satisfactory and gratifying to have found that some such process as that described above had been followed, and that the measure had been determined upon with full knowledge of all the circumstances, and with a well grounded conviction that the measure of sale had been deliberately assumed as the best and most appropriate to the case.

19. The Board have specially mentioned Mouzah Olinda, and the Lieutenant-Governor proceeds to examine the information regarding it with a view to determine how far the facts which are stated suffice to warrant the separate exposure to sale of the 97 Puttees

Collector's Remarks.

There are 97 Puttees in this village, all of which are in arrears. It was not held Kham, and is therefore liable to sale. The defaulters are said to take refuge in the neighbouring territories of Bhurtpore, when process is issued against them. Rs. 1,191-9-0, were remitted on the Kurreef. Being small proprietors, little hope can be entertained of realizing the balance, except by the process of sale.

Some of the Putteedars may then be expected to pay, and also to purchase other defaulting Puttees. The amount of embezzlement with which the defaulters are chargeable in the Kurreef harvest is Rs. 3,432-3. Exclusive of Rs. 2,258-1-0 due from them on account of Neijjote, a further sum of Rs. 325-1-0 is due on the same account for the Rubbee Kists. Proclamation for transfer was issued on the 21st April last. All the papers required by Act I. of 1841, have been filed with the misl.

Commissioner's Remarks.

The embezzlement here is very considerable and not justifiable upon any theory of severity of assessment. I recommend the sale.

composing that Mehal.

20. The remarks in the detailed statement by the Collector and by the Commissioner are entered in the margin. The Commissioner from the terms of his letter of June 15th, was sensible that there was "a disinclination on the part of the Collector to grapple with the subject, and disposition to pass to sale at once after other modes of collection had failed, in lieu of instituting a scrutinizing enquiry into the state of the estate and the cause of the balance. He considered however that the payment made was out of all conjecture below what, even in bad seasons, an estate under a general light assessment can yield, and, as his disallowance of Kham management had been approved by the Board, he recommended the sale.

21. It seems clear that deficiency of assets was not the entire cause of the default in this estate. Embezzlement there certainly was, but to what amount is not distinctly shown. It might be that the assests were not adequate to meet the whole demand, that the proprietors, when injudiciously pressed to pay, embezzled what they could, and "took refuge in the neighbouring territory of Bhurtpore when process was issued against them." Supposing this to have been the case, their conduct was improper, but it was customary. Their ignorance and poverty might have pleaded for them in bar of so severe a penalty as the annihilation of all their proprietary rights. Before the measure was proposed, it ought to have been ascertained how far such a plea would have availed them.

22. On the next point, viz. the cause of the embezzlement, there is absolutely no information, and apparently has been no enquiry. Any one, who is conversant with the constitution of a large community like that of Olinda, must know how small a matter in our eyes sometimes induces them to withhold the Government revenue. They act from impulses and motives,

the secret springs of which we little understand. But a few words of explanation or gentle expostulation, or perhaps an authoritative order, may serve to remove the impediment and restore harmony in the village, and call forth afresh the united exertions of its proprietors. The Collector, who neglects to determine this point, and to use the means of accommodation at his disposal, must be held to fail in an essential part of his duty.

23. Allowing the default to have arisen entirely from wanton and irremediable embezzlement of assets, the next question for consideration was whether to hold each Puttee severally, or the whole community jointly, responsible. The orders of March 28th last, No. 1155, were evidently not intended to direct the former measure in all such cases. It only enjoined that, when resort was had to the former measure, the undivided Puttee should not be bought in by Government. The option, allowed by Section 10, Act I. 1841, was left untouched. In the case supposed every Puttee was in default, the criminality of each was the same, and the only ground on which process against each, instead of against the whole, could have been of avail, was that some might be less firm than the rest. This could afford no just ground for consideration, or have counterbalanced the many inconveniences that must have resulted from the employment of different processes, or different modes of management in the same village. It would evidently have been wiser to hold the entire community to their joint responsibility, till the combination had been broken.

24. The last question is whether sale in such a case was the right measure to which recourse should have been had in order to realize the balance. A measure is right or wrong (politically speaking), according as it is adapted to effect the end for which it is designed. If it is not probable that the balance can be realized by sale, it is not right to attempt to sell. In such case the advertisement is a mere impotent threat, which prevents recourse to more effectual measures, and brings discredit on the process itself.

25. Before an Officer proceeds to advertise for sale he should satisfy himself that the estate is marketable, and that there is a fair prospect of effecting the sale. But when advertence is had

to the size and power of the community in Mouzah Olinda, the unanimity of action apparent in their proceedings, and the advantage of their position on the Bhurtpore boundary, there can be little difficulty in concluding that no capitalist would buy the village, or that if he did buy it, bloodshed and a most discreditable struggle between the community and him would be the result. The public Officer, who could deliberately enforce such a measure, must have carelessly studied the history of our early administration of these provinces, or have formed a most erroneous estimate of the character of the people.

26. It is probable that if the Collector, the Commissioner, or the Sudder Board of Revenue had addressed themselves to the consideration of this question in the way in which it is now stated, the sale would never have been proposed. The considerations are not so abstruse or recondite but that a very little reflection may suggest them. They arise naturally out of the instructions conveyed in the Board's Circular Order, No 6 of April 4th, 1843. It may be impossible to prescribe them by fixed canons, but they are not therefore "vague and indefinite" as the Junior Member seems to consider.

27. Nor is this case a proof of the inexpediency of that feature of the present system which prohibits interference with the crops before they are cut in realization of the current revenue. In order to afford any such presumption, it would be necessary to show that the balance would have been realized by attachment of the crops, and that it could not have been realized otherwise. Neither of these facts is fairly deducible from the scanty information afforded on the subject. Supposing it to be the case, and that, in this as well as in a few other cases, the Government had to pay, in the remission of a few irrecoverable balances, the penalty of such a rule of procedure, the result would not be by any means conclusive against a measure theoretically right, and practically proved in a vast number of cases to be most beneficial to the people at large, and through them to the Government itself.

28. The Board are requested to furnish a report regarding the result of these sales, and the measures which have been subsequently pursued towards these estates.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 23d November, 1844.

No. 22.

GRANTS OF LANDS IN SAHARUNPORE.

Orders on Grants of Lands in Saharunpore Revenue, 11th Feb., 1845, *No.* 38.

No. 583.

To the Secretary Sudder Board of Revenue,

North Western Provinces.

Dated the 11th February, 1845.

SIR,

The Lieutenant-Governor desires me to request that you will acquaint the Board that, being fully sensible of the great importance of speedily setting at rest the pending questions regarding the grants of jungle land in Zillah Saharunpore, he took the opportunity during his late visit to that district of examining the subject. The conclusions which have been reached, I am now desired to communicate for the consideration of the Board, and for final adoption, if on further examination they be found, in all respects, correct. It is evident that hasty enquiries of this nature, made during a hurried visit, must always be liable to error, and whatever of detail may be introduced must be considered rather as by way of exemplification than of direction, and must stand open to future and more deliberate investigation.

2. The orders of Government, dated November 18th, 1839, recognized a distinction between European and Native grants. The Collector was vested with power (vide para. 6) to give the latter, subject as in the case of ordinary settlements to subse-

quent confirmation by the Government, but in the case of the former (vide paras. 2 to 5,) the Government especially reserved to themselves the function of sanctioning the grant before occupation should be given or title conferred. This distinction was forced upon the Government by circumstances which had been brought to their notice in the Dehra Dhoon, and was in itself just and reasonable. The superior energy and influence possessed by Europeans, as well as their limited acquaintance with the rights of the people in the land, and the feelings of the natives on the subject, rendered it necessary that all proceedings, which went to confer on them new rights in the land, should be deliberate and guarded. It was necessary moreover as well for the assurance of the European grantee, as for the protection of his native neighbours.

3. This distinction must be the basis of any arrangement now made in the district of Saharunpore. The local authorities acted within their competency in conferring grants upon natives before the orders of June 11th, 1842, and such grants must now be upheld, if their terms have been fulfilled. But in giving possession to European grantees, and exchanging engagements with them, they exceeded their powers. Such grants are invalid, and must now be considered open to reconsideration.

4. But it must at the same time be admitted that this distinction was imperfectly explained to the local authorities, as well as to the grantees. Violations of the strict rule were known, and connived at. The Collector was suffered to give possession of tracts of lands, and grantees to occupy them; and if more diligence had been used at the time in drawing up the warrants, and submitting them for sanction, there is every reason to suppose that they would have been approved. It is necessary therefore that these grants should now be reconsidered with every indulgence towards the present occupants.

5. The orders of Government, dated June 22d, 1844, have explained the terms under which new grants of land are to be given according to the last orders of the Honorable the Court of Directors. My letter of 22d ultimo, No. 293 regarding the Dehra Dhoon has reduced those terms to practice, and adjusted the form of warrant which must be issued in compliance with

them. Where lands have been given by the Collector, and occupied by the European grantee prior to the order of June 11th, 1842, if the extent of the grant be not more than 4,000 acres, the grants will be confirmed, and a warrant issued conformably with the revised form, but dated back from the time of the original grant, and without any invitation from other parties of more favorable terms.

6. In Zillah Saharunpore there are several unconfirmed grants, the boundaries of which have been marked off, and which have been separately surveyed. These are noted in the margin.* Those of them which have been given to natives may be confirmed on the terms originally given. The four given to Mr. T. Wright should have been reported to Government before occupation was permitted. The Lieutenant-Governor has however satisfied himself that the grants are in themselves unobjectionable, and that the grantee has made exertions to bring them into cultivation. Under these circumstances warrants according to the revised form,† dated from the year of the original grant may be drawn up and submitted for signature and registry in the usual form. All these grants both native and European should be immediately reported, and with them any other marked off, and surveyed, grants similarly remaining unconfirmed.

* Grant.	Purgunnah.	Grantee.	Extent.	Cleared in 1843-44.
Kotree Bululpore,	Bahut,........	Ranna Futteh Singh,......	343	343
Ditto,............	Ditto,........	Hunsara, ...	2,563	300
Ourungabad,......	Ditto,........	Madut and Hoosheear,..	18	18
Ditto,............	Ditto,........	Mr. T. Wright,	1,048	..
Khoshaleepore *alias* Mouzumpore and Shekohpore, ...	Ditto,......	Ditto,........	1,026	..
Judurpore,........	Fyzabad,......	Ranna Futteh Singh,......	48	48
Ditto,............	Ditto,........	Suntoo, ...	637	90
Nusroollapoor,....	Moozuffurabad,	Mujlis, ...	142	142
Ditto,............	Ditto,........	Ameer Allee,..	334	100
Badshapore, ... Tukeepore,........	Ditto,......	Mr. T. Wright,	1,517	166
Mohumudpore,....	Ditto,........	Ditto,........	206	22

N. B.—The above are taken from a memo. given by the Collector, but it is uncertain whether some of these have not been confirmed, and whether there are not others wanting confirmation. This must be hereafter examined.

† Aurungabad from the beginning of	1841-42
Khoshalleepore, ...	1843-44
Badshapore, Tukeepore, ...	1839-39
Mohumudpore, ...	1838-39

7. Besides these grants there were three masses* of forest which at the time of the professional survey by Major W. Brown were left undivided and unsurveyed. The Collector has separate maps of them showing their limits and their proximate extent. In each of these some grants have given, and the boundaries of these are understood to have been fixed, as well as their area roughly ascertained by a native Surveyor, and in two cases laid down in a map on a large scale compiled from the professional survey of the forest tract.

	Culturable.	Waste.	Total.
* Kheeree Forest, ...	54,083	29,574	84,377
Khansrow Forest, ...	17,794	1,000	18,794
Puthree Nuddee Forest, ..	28,249	1,000	39,249

8. There is no separate enlarged map of the Kheree forest showing the position of the new grants, but it is said to contain those noted in the margin.* They were all given to natives on the terms sanctioned at the time of grant. The engagements exchanged, on the old terms on which they were originally given, will be confirmed.

* Grants.	Grantees.	Extent in acres.
Muldaspore *alias* Mahand,	Golam Hyder, ...	203
Doulutpore, Hujutpore,..	Ditto,.............	1,994
Nuddumpoor,..........	Ranna Futteh Singh,..	161
Kullowallah, ...	Mohun Singh, ...	7,795

9. There is a separate enlarged map of the Khansrow forest, and on it the locality of the annexed grants is shown. Engagements exchanged on the old terms for these will also be confirmed.

Grants.	Grantees.	Extent in acres.
Ausifnuggur,..........	Kurreembuksh and Khyratee Khan, ...	1,007
Raolee Mahmood,......	Shadee Khan, Moobarukally Khan, &c. ..	1,090
Shah Allumpoor *alias* Mominabad, ...	Ditto ditto, ...	305
Russoolpore,..........	Jungee Khan, Roshun Khan, ...	117
Bunswallee, ...	Bunsee Fazill Khan and Zorawur Singh, ...	211
Kota Mooradnuggur, ..	Nizabut Allee Khan,..	1,568
Ourungabad *alias* Keshowallah,..............	Golam Hosyn, ...	Since resigned.
Nowadah, Shewdaspore, Koord, Shewdaspore, Ajmeerpore and Dannagur,..............	Ditto ditto, ...	1,882
Juswawallah,..........	Ditto ditto, ...	698
Ankee Hetumpore Ausuftripah,..............	Golam Hosyn Yar Allee Khan, &c.	2,071
Ditto,................	Khyratee Khan, &c...	738

10. The whole of the Puttree nuddee forest has been granted away. When native applicants had procured several grants, some Europeans under the names of Maxwell, Mac Gregor, and Coy, applied for the whole of the remainder, obtained possession, have expended some capital on the undertaking, and brought some portion under cultivation. The native grants have been marked off, and their area ascertained by native survey. The area of the European grant is obtained by deducting the total of the native grants from the entire forest tract as given by Major W. Brown's survey. A rough enlarged map compiled by a native Surveyor shows the locality of all.

Grants.	Grantees.	Extent in acres.
Jubheeren, Nuseerpore, Buhhulpore, Kunclour, Boodpore and Bedarpore,	Buldeo Singh,	2,242
Pudurtha, &c.	Ditto ditto,	1,600
Bhutteepore, &c.	Ditto ditto,	1,602
Moozufurpore, Goojra,	Umurdoss and Ajubdoss,	292
Raipore Durrera,	Nuthoo, Shadee, Behoo and Sayer,	279
Poondeerpore *alias* Peeplee,	Mujlis,	266
Shadeopore, &c.	Kunhya Gir,	1,055
Cheereeapore,	Nuthmul,	439
Ahmudpore,	Suntdoss and Poorundoss,	1,326
Hurdeopore, &c.	Luchmoongir and Tunsookroy,	1,534
Bhowapore,	Tunsookroy,	1.167
Aithul Buzoorg,	Shadee Khan,	1,748
Khorsama Khoord,	Golal Hookmee and Hooshear,	437
Bishunpore Jirup,	Bunsee,	1,487
Jussoodhurpore,	Ranee Lad Kunwur,	359
Deenarpore,	Ishree Singh,	1,419
Mobarukpore,	Mujlis,	711
Doodhla,	Sheir Singh,	252
Ibraheempoora,	Jowahir and Rai Singh,	871
Khezurpore,	Ramjus, Sooltan Khan and Fazil Khan,	860
Seetla Khera,	Aujubdoss,	483
Bhodha, Khera, &c.	Mujlis and Ramjus,	1,086
Moozufurpore, &c.	Messrs. Maxwell, McGregor and Coy,	22,720
Bhowaneepore,	Imam Bukhsh and Boodhoo,	879
Dhamoulee *alias* Khyrwalla, &c.	Tunsookroy,	368
Mohummud Zumanpore,	Nanuck Chund,	1,120
		45,062

11. The engagements for the native grants as originally exchanged will be confirmed from the date of the original possession, but the large European grant cannot now be confirmed as originally given.

12. The Collector will call upon the European possessors of this tract, or their assignees, to divide it off into four or more

portions separated as much as possible by good natural boundaries, none of them exceeding 4,000 acres. Each of these will be considered separate grants to be held under separate engagements. The warrants will be according to the revised form, and it will be left optional with the grantees to take them, or any one or more of them, according to this form, from the date of the original grant, (the commencement of 1841-42,) or to resign such as they are unwilling to engage for. The resigned grants will of course be at the disposal of Government. If entirely unreclaimed, they will be treated as any other forest land. If partially cultivated, the best arrangement practicable will be made for the cultivation and forest together.

13. The Lieutenant-Governor would be very glad if it were in his power to send an European Scientific Surveyor to lay down these grants according to the established method of survey. But it will not be practicable to do so this season, and in the mean time the best arrangement must be made which circumstances allow. The following appear to be the points to which the Collector's attention should be now immediately directed.

14. *First.*—He should report without delay, for confirmation and the signature of warrants to Europeans, those grants which have been separately marked off, surveyed, and mapped according to the European method, as noted in para. 6.

Secondly.—He should proceed to the three large forest tracts mentioned in para. 7, and satisfy himself that the boundaries of the assigned grants have been so marked off, and such a record of them formed as may enable the Surveyor easily to trace them out, and lay them down.

Thirdly.—The unassigned portions of these tracts he should divide into tracts not exceeding 4,000 acres, each separated as much as possible by natural boundaries, and he should form a record of the limits, and of the extent, of these portions of land as nearly as he can ascertain them. The allotments thus made should be named after the villages which are supposed to have existed there before, and tenders for them invited. All engagements taken hereafter will of course be after the new form, and better terms will be advertized for before the grant is made.

Fourthly.—In the Putthree nuddee forest, the Collector will

proceed in concert with the possessors of Messrs. Maxwell, MacGregor and Co.'s grant, to divide it into convenient portions of the prescribed dimensions, following as much as possible the natural features of the country. If the grantees decline assistance, or in any way thwart his efforts, he will consider himself empowered to make the division of the grant himself. He will then mark off the boundaries as well as he can, and in the most substantial way time and circumstances will admit. He will form a record of the demarcation and proceed further as already laid down in para. 12.

15. The Collector is authorized to incur any necessary and moderate expence in the erection of boundary pillars, recovering the same from the grantees wherever the allotments are occupied or confirmed. Charcoal, buried in pits with adjoining pillars of stones cemented together with mortar, are perhaps the best boundary marks which can be laid down.

16. As it is of importance that no part of the present favorable season should pass before the commencement of this work, a copy of this letter, and of the revised form of warrant, has been furnished to the Collector, Mr. Harvey, for his information and guidance.

I am, &c.
J. THORNTON,
Secretary to Government, N. W. P.

Agra, the 11*th February,* 1845.

No. 23.

ACT FOR SALE OF LANDS IN EXECUTION OF DECREES.

No. 1730.

To the Secretary to the Government of India,
Legislative Department,
Fort William,
Dated the 24th April, 1845.

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter, dated January 25th last, proposing a draft Act for the sale of Lands in the presidency of Bengal in Execution of the Decrees of Court, and to request that you will lay before the Right Hon'ble the Governor-General in Council, the annexed copies of letters from the Sudder Dewanny* Adawlut and the Sudder Board† of Revenue on this subject, and also the following observations on the part of the Lieutenant-Governor.

* No. 528, dated 14th March, 1845.
† ,, 127, dated 1st April, 1845, with enclosures.

2. The proposal to transfer the conduct of such sales from Collectors of land revenue to the Civil Courts was first made to this Government in 1840, and rested on the state of things in the Lower Provinces. The Sudder Board of Revenue objected to it, and the Lieutenant-Governor strongly opposed it.

From Secretary, Government of India, August 17th, 1840.
To ditto ditto, November 17th, 1840.

3. In 1842, the draft of an Act was published, leaving it open to each Court to frame rules for the conduct of sales of land in execution of decrees through whatever agency, and in whatever manner, they thought best, subject to the approval of the Supreme Government. This was opposed by the Sudder Board of Revenue, who thought that other considerations of which the Courts were not cognizant should influence such arrangements, and that the conduct of the sales should not be taken out of the hands of the revenue Officers.

From Government of India, September 30th, 1842.
To ditto ditto, February 20th, 1843.
To ditto ditto, May 11th, 1843.

4. In the mean time causes had come into operation, which made it most necessary for these Provinces that some legislative measure on the subject should be passed. The enactment of Act XII. 1841, for the sale of land for arrears of revenue, had thrown great doubts on the proper course to be followed in the case of sales of land in execution of decrees of Court. These doubts however were only applicable to the codes of 1803 and 1805 for the Ceded and Conquered Provinces, and did not affect the provisions of the code of 1793 for Bengal, Behar, and Orissa, or that of 1795 for the province of Benares.

See para. 13 of Sudder Board of Revenue's letter to Government, dated Jan. 31st, 1843, forwarded to Government of India on February 20th, 1843.

See also letter to Government of India, dated April 20th, 1844, No. 1496, para. 4.

5. Such being the state of the case, the Lieutenant-Governor cannot but view with apprehension the proposal on the part of the Legislative Council, on January 25th last, of a law which embodies in it the very provision which was so strongly objected to in 1840, and apparently then abandoned. By the proposed enactment the conduct of such sales is to be entirely taken out of the hands of the revenue Officers, and to be conducted by the Courts themselves.

6. The Lieutenant-Governor begs me to refer to his minute of October 19th 1844, forwarded with my letter of that date No. 4615, as containing his opinions on the principle involved in this proposal. Since that date, His Honor has made a tour through a considerable part of these Provinces, and has had an opportunity of personally conferring with several Judges and Collectors, and of examining cases in their Courts and Offices. His convictions have been thereby confirmed that no delay or impediment to the execution of decrees arises from the present usage, and that its maintenance is likely to improve the administration of justice. In support of the former opinion, an extract from the last report of the Sudder Dewanny Adawlut regarding the administration of Civil justice in 1843, is annexed* for the consideration of the Legislative Council.

* Extracts. "The increased punctuality and promptitude with which the injunctions of the Civil Courts relating to execution of decrees have been fulfilled by the revenue authorities, have attracted the attention, and elicited the commendation, of some of the Zillah Judges, and may perhaps be traced to the intercommunication with the Sudder

Board of Revenue in cases of delay on the part of Collectors, which has been carefully maintained during the past year."

7. It may be that the provisions of Section VI. are intended to meet the objections expressed by His Honor in the above minute. The Right Hon'ble the Governor-General in Council will not fail to advert to the strong protest entered against that clause by the Court of Sudder Dewanny Adawlut. Without wholly concurring in the expressions contained in their letter, the Lieutenant-Governor joins them in deprecating the enactment of the proposed clause. It is quite true that our system of registry and record in these provinces, as commenced at the time of settlement and since maintained, has not reached that degree of accuracy which would render such a provision safe or desirable. It would be vain to expect that the system, suddenly introduced amongst an illiterate people by a few imperfectly informed Officers, and embracing all the features of minutely divided and curiously constructed property, could be at once so accurate as to warrant a provision of the nature. The system is daily better understood, and more fully carried out. By the careful instructions of those by whom it is to be enforced, and the diligent perseverance of the controlling and directing authorities, it may in time be matured. By claiming at once for it that degree of perfection, which the proposed clause infers, errors would be confirmed and efforts for improvement checked.

8. The Lieutenant-Governor therefore desires me to express his earnest hope that reasons, apparently existing only in the Lower Provinces, may not be held sufficient in these Provinces to alter a course of proceeding which none consider objectionable, and in which many think that very great advantages are to be found. As however it is admitted that some legislation on the subject is wanted, the Lieutenant-Governor desires me to submit for the consideration of the Supreme Government, the draft of an Act, which he hopes may be considered calculated to meet the views of the authorities in both sections of the Presidency.

I have the honor to be, &c.

J. Thornton,

Agra, the 24th April, 1845. *Secretary to Govt., N. W. P.*

No. 24.

MINUTE ON POLICE BATTALIONS.

No. 251, *dated* 22*d May,* 1845.

JUDICIAL DEPARTMENT. The Right Hon'ble the Governor-General of India has called the attention of the Lieutenant-Governor to the subject of the police in these Provinces, and requested that the questions treated of in the Hon'ble Court of Director's despatch, dated August 21st 1844, No. 40, be especially taken into consideration. I purpose taking this opportunity of laying before the Supreme Government my sentiments on the subject.

2. During the forty years that we have held possession of these Provinces, a very great change has taken place in the character of the people. They are no longer the plundering and marauding people they once were. Crimes of open violence have become comparatively rare. Thuggee and dacoity, properly so called, have been almost exterminated, whilst affrays regarding land are of unfrequent occurrence.

3. The crimes which now mostly appear on the calendar are murder or rather assassination, homicide in sudden quarrels, burglaries, and thefts, with occasional robberies on the high road; and these last are decreasing. These crimes (with the exception of the last) are secret crimes: they result from the low state of morality, where they are not the effect of actual want and destitution.

4. Such being the case, it is vain to expect any rapid improvement. The morals of a nation are raised by no sudden impulse, but by the gradual effect of civilizing influences. The state in which Hindoostan now is would lead one to expect more flagrant and revolting immorality than before prevailed. There is an honor and chivalry amongst plunderers and freebooters, which commands some degree of respect. A grievous wrong, when openly inflicted in fair combat, does not appear so discreditable as when it is clandestinely brought about. The strong hand of a ruling power has repressed open violence. That

was a comparatively easy task. But it has not, and it cannot, affect the dispositions which prompted to those crimes. The same injustice, the same tyranny, the same avarice and covetousness, now possess the minds of men as formerly. No moral regeneration has been affected. But these tempers, no longer able to work their purposes by open means, accomplish the same ends by secret machinations. A few years ago a man, at feud with his neighbour, would have gathered his friends around him, and attacked his enemy in open day. He will now hire an assassin to effect his purpose. The person, who coveted his neighbour's lands, a few years ago would have picked a quarrel with him, routed him, and driven him from his possessions: He will now seek to oust him by forgery and perjury in a Civil suit.

5. It is necessary that we bear this change always in mind in police arrangements. The police of old were constantly required to assemble in force, and drive plunderers from their strong holds. They may still sometimes have to repel force by force: but the more frequent and general requisitions made upon them, will be to track the secret malefactor, and to lay open the course of crime which shuns publicity, and neglects no devices which may baffle enquiry by corruption, as well as elude it by cunning.

6. It follows that all police measures should now be directed to raise the respectability of the police, and to draft into them men of higher intellectual and moral qualities, rather than to strengthen their organization. Bravery is the moral quality most chiefly purchased in these provinces. The police formerly needed to be composed of many brave men, ready for bold undertakings. It now should be composed of men fewer in number, but of higher intellect, and better able to resist pecuniary temptation.

7. There exists then, in the police as it stood, the capability of great improvement without any increase to the charge of the state. It is possible to reduce the number of the police, and to appropriate the savings to raising the pay and respectability of the remainder. This has been done already to a considerable extent, and is still doing. Mr. Jackson has done it in the Agra district, Mr. Muir has just completed his scheme on this plan

for the Futtehpore district, Mr. S. S. Brown is now doing it in Cawnpore.

8. But we possess at present, in the North West Provinces, other and very great facilities for improving the police, which should be diligently seized upon. In the early period of British rule in these provinces, the village institutions of the country were much neglected. They are various and peculiar in their form. Other and more pressing subjects engaged the attention of the Officers, who were first entrusted with the Civil administration of these provinces, and they were unable to give these tenures that care and attention which were necessary for their preservation. When there was no strong Government, they were able to protect themselves; but when once an irresistable system of administration like ours was formed, it was a necessary consequence that these tenures must be protected or destroyed. There was great danger lest a new frame of Society, and a new distribution of property, should be hastily and ignorantly introduced. The error was discovered in time. The enactment of Regulation I. 1821, for remedying former judicial errors of this nature, and of Regulation VII. 1822, for preventing their future occurrence, may be reckoned an era in the administration of these provinces. Since that time, for the last twenty-five years, juster and sounder views have gradually prevailed. Their recognition constitutes a marked difference between the state of things in these provinces and in Bengal, and requires that all measures of Civil Government should be differently treated.

9. It is with the police as with other branches of the administration. The owners of the land are not non-resident proprietors,—persons holding large tracts of lands, sometimes by hereditary descent, but more often by purchase as a mere speculation, or as a mode of investing money;—men with little local influence, and but little attached to the soil. The great bulk of landed proprietors in these provinces are themselves cultivators of the soil. They live on the spot. They draw their subsistence immediately from the soil. They are bound to their villages by a strength of attachment, and an hereditary pride, which we can little conceive. Nothing can occur in the village without their knowledge, if not by their actual agency. There is, here a

power for good or for harm of incalculable importance. These communities depend upon the Collector. He is not the tax-gatherer amongst them, but the steward of their landlord. If he overassess them, they are driven to crime. If in seasons of distress he fails to make allowance for their calamities, they are tempted to supply their wants by crime. If he fail to accommodate the village disputes which repress their industry, and prey upon their resources, they try to right themselves by violence or fraud. The Magistrate may rule the district with the greatest vigilance and wisdom; but it is the Collector, who has in his hands the secret springs which affect the whole society. It is thus that careful revenue measures, going hand in hand with magisterial activity, have done much to civilize some of the worst classes of the agricultural community. The Jats have lost their martial spirits and are encouraged in their agricultural pursuits. The Goojurs and Aheers of the Doab are greatly reclaimed from their roving pastoral habits, and are beginning to feel that agriculture may give them a better subsistence than cattle lifting, and that the herds, in which they delight, may be fed on cultivated grasses, as well as on the spontaneous herbage of the plains. The Mewatties of the Goorgaon district are becoming good cultivators instead of expert thieves. Even the Raungurs and the Bhuttees on the borders of the great desert, which bounds the Delhi Territory to the west, are finding their account in peaceable and industrious pursuits.

10. Nowhere perhaps have sound revenue measures been attended with greater benefits than in the Delhi Territory. Within the memory of many young men, the large villages in the Paneéput, Rohtuck, and Hansee Districts, subsisted greatly by plunder, and seldom yielded to any other compulsion than that of a large Military force. A light assessment has now been fixed on the land, long leases given, and great efforts made to determine the rights in the land possessed by each individual, and to give him the full benefit of his own industry. The result is the formation of a noble peasantry—bold and independent—but orderly and well regulated. Open resistance to legal authority is now almost unknown, whilst cultivation and consequently wealth are astonishingly increasing.

11. Such then being the influence, which the cultivator necessarily exercises over the people; it has been wisely determined that by uniting the Offices of Magistrate and Collector, this power should be exerted for the improvement of the police. The arrangement is still more recommended by the consideration of the very efficient establishments, which every Collector superintends.

12. A careful enquiry made by the late Finance Committee into the state of the Tuhseeldarree Establishments in these provinces, shows that on May 1st 1841, there were in thirty-one districts, 12,458 Government Officers drawing salaries to the amount of 1,04,756 rupees per mensem. The whole thirty-one districts are divided into 219 Tuhseeldarrees, over each of which a Tuhseeldar or native Collector presides with a salary varying from 100 to 300 rupees per mensem. The number of Mirdahs, Jemadars, and Peons, under their control is 10,595; and these are men of the same pay, caste, and character, as the Police Burkundauzes. Besides these, the Collector has in every village a Putwarree; and the Chowkeedar as well as all other village servants look to him for the maintenance of their rights.

13. If then it is desired to improve the Police, there is here available a highly respectable and powerful body of public servants upon which to draw. The Tuhseeldarrees are in fact small districts, each comprising one, two, or three Thannahs, and a few of which go to make up a Zillah. By investing the Tuhseeldar with Police powers, he may be in his Tuhseeldarree what the Collector and Magistrate is in the Zillah, the Commissioner in the Division, and the Lieutenant-Governor in the whole Provinces.

14. It may be thought dangerous to give so much power to one individual. It is no doubt dangerous to give much power to any individual without proper control. But in a country governed as this is—in fact a strong despotism, where all the security of good Government exists, not in the influence of the governed, but in a distant controlling superintendence,—the provision against misgovernment should be sought in the control of a superior over a subordinate, and not in the clashing of two co-ordinate authorities. Good Government will be best secured

by placing Tuhseeldars and Darogahs under a good Magistrate and Collector, and Magistrates and Collectors under good Commissioners, rather than by setting the Darogah to check the Tuhseeldar, and the Magistrate the Collector. Our European Officers are generally men of integrity and good intention, but imperfectly acquainted with the people, and over-worked. They and their establishments should be so disposed as to give the fullest scope to their good intentions, and at the same time to afford them the greatest facilities for acquiring a knowledge of the people, and bestowing their labour to the best advantage.

15. But it is above all things necessary to avoid in this country the clashing of co-ordinate authorities. Disputes arise upon mere trifles, and the passions of well-intentioned men are inflamed by intriguing subordinates. The public interests are often damaged by the controversies of two intemperate but honest Officers. This is most likely to occur where both Officers possess extensive powers and large establishments, and the necessity of avoiding it forms a strong argument for vesting the powers of Magistrate and Collector in one person, and also for giving the Tuhseeldars Police powers.

16. The Tuhseeldars have generally been invested with Police powers under Regulation XI. 1831, and this measure is now in course of further extension.

17. These remarks apply of course to agricultural population. In large towns the Tuhseeldars have little influence, other than what may result from their personal character. The Cotwals of large cities should have high salaries and be put in every respect on an equality with Tuhseeldars. I note in the margin* the salaries of this class of Officers in our principal towns, and the amount at which it would be proper to fix them.

18. The newly organized Police Battalions are mentioned by the Hon'ble Court, and have been the subject of much correspondence with the Supreme Government. Organized as

*	*Present.*	*Proposed.*
Delhi,	100	200
Benares,	100	200
Barrelly,	125	125
Agra,	100	100
Allahabad,	60	100
Moradabad,	80	100
Cawnpore,	70	100
Meerut,	80	100
Ghazeepore,	30	100
Jaunpore,	40	100
Mirzapore,	40	100
Furruckabad,	100	100
Total,	925	1,425

they have been against my opinion, I feel that the subject is approached with some pre-conceived bias, of which it is impossible wholly to divest my mind. I have endeavoured to view this subject impartially, but have found nothing yet to shake the sentiments already expressed in Mr. Secretary Thornton's letters of 9th March 1844, and January 25th 1845, to the address of the Secretary to the Government of India in the Foreign Department.

19. The measure, as one of Police, was little likely to be attended with success from the mode in which it was commenced. No one denies that our subordinate Police would be much improved, if their pay were raised, the men carefully selected, well instructed in their duties, encouraged by the hope of rapid promotion, and placed under the immediate control of a separate European Officer, whose sole duty it should be to instruct them, to reward the deserving and to punish the refractory. So far as this was part of the proposed plan, it was good. The men of the Police Battalions are no doubt so far better men than the Burkundauzes whom they replaced.

20. But there were other features of the plan, which destroyed all the good of the measure as one of Police. In fact, it became substantially a measure for organizing an irregular Military force, which should relieve the regular army of Civil duties, and leave it more entirely available for purely Military service. It was a measure for throwing upon the Civil charges some of the expenditure, which had hitherto been shown as Military.

21. Had the reformation of the Police been the object, the best men of the old Police would have been selected with reference to their previous character, birth, services, and qualifications; they might have been drilled to act together in crowds as the London Police force; and they would have been armed with weapons more suitable to the peaceful character of the ordinary citizens than a musket and bayonet.

22. The course actually pursued was far different from this. The skeletons of the new Battalions were formed of volunteers from the line. The commanding Officers were not enjoined to select from the men under their command, those who were the

best educated, or the most intelligent, or the best conducted, or those most likely to form good Police men. Such men were valued in the regiment, and had too good hopes of promotion there to wish to leave it. It was natural that the very worst men should be made over to the Police Battalions, and it is notorious that this was the case; any one in the regiment was good enough for them. The Magistrate of Agra got some good men from the regiments as drill instructors. He wished to retain them, and the men professed willingness to stay, but they were too good to be spared, and others were sent in their room as volunteers to the Battalion. The Commandant of the Bundlecund Battalions remonstrated with the Commanding Officer of the 70th Regiment Native Infantry regarding a man who was sent to him as a Jemadar, and was told in reply, that "his qualifications in regard to intelligence, &c. did not justify his recommendation for a commission in his own regiment."

N. B.—The correspondence with the Inspector of the Battalions on this case is deserving of consideration and is separately forwarded.

23. Upon the skeletons thus formed, were engrafted men from the old Police and new recruits; but these were selected, and very necessarily so, not because they were well educated men, of good character and meritorious services, but because they were young, stout, active men, who could be easily taught to handle a musket, and move well on the parade ground. The Commanding Officers could act in no other way than this. They were told that in four months the men were wanted for service, and must in that time have completed their drill. They, of course, chose men from their aptitude for drill, not from their capacity for Police duties.

24. It must be borne in mind that the above is a mere statement of fact, not an opinion on policy. It may have been a most politic measure to accelerate promotion in the native army, and throw off from it the least deserving men, by enrolling them in Police Battalions. It may be most wise to relieve the regular army from the vexatious and harrassing civil duties, which wasted their strength and injured their discipline. It may be an economical measure to provide for the performance of these duties by a less expensive force than the regular army.

It may be just to throw upon the Civil Department the burden of all their Civil duties, which have hitherto been performed at the expence of the Military Department. Above all, there may have been quite sufficient state reasons, which required that the Military strength of the Government should be increased in this very way. All this may be the case; but still it is not fair to call that, which is essentially a Military measure, a mere question of Police, or to lessen the efficiency of the Police in order that the Military strength of the country may be increased in the least ostentatious manner.

25. Above all, let it not be said that so much money has now been spent on these Battalions for the improvement of the Police that nothing more can be given. It is undoubtedly true that an immense expense has been thus incurred. The annual accounts just furnished for 1843-44, show that the charges in the Judicial Department have been raised chiefly by this cause from 54,49,427, in 1842-43 to 58,11,951, in 1843-44, and the increase in 1844-45 will be much larger.

26. It is necessary to mention what has hitherto been done regarding the Police Battalions.

27. Mr. Jackson the Magistrate of Agra commenced the organization of the Battalion there. He commenced in the way most likely to improve the Police, reducing their numbers, giving the men entertained higher pay, accustoming them to act together, and carefully looking to their characters. Gradually the Battalion assumed a more Military character, till at last the corps has been placed on the same footing as the rest, by appointing Major Steel to the command of it. A more fit person than Major Steel for the appointment could not be named. He found the men of the Battalion employed in the Police of the town, and has done all in his power to keep them to their work, and to maintain the authority of the Magistrate. But he has no responsibility for the Police, and the Magistrate, who is the responsible man, complains that they are no longer his Police, and wishes to revert to the former system.

28. The Delhi Battalion is admirably placed where it is, to keep in control a large population, shut up with an insignificant garrison in a fortified town. Some men are employed on

detached duties, but as large a force as can be is kept together in the town, available for Police duties. The Commanding Officer used to live out of the town, but his residence in the vicinity of his lines within the city walls has been insisted on. The circumstances of this city are well known to the Government. The present Magistrate, Mr. J. L. M. Lawrence, is a most intelligent and zealous Officer, and every possible precaution is taken for the safety of the town; but the protection of fortified cities and of arsenals is not the duty of the Police, but of the Army.

29. The Kurnal Battalion was so weakened by sickness as never to be able to take its duties. It has now been transferred to Bareilly, and has just furnished guards for the Treasuries, Jails, and Tuhseeldarees.

30. In the protected Sikh States an attempt was made to employ the men of the Battalion in small guards to strengthen the Police posts. But this was not found to answer. The men of the Battalion and the ordinary Police disagreed; and at the request of the Agent, as well as to meet the wishes of his Excellency the Commander-in-Chief, they were recalled from these detached posts, and have been employed in relieving the regular Troops from the charge of Treasuries, Jails, &c.

31. In Bundlecund the employment of the Police Battalions has been very different from what it is elsewhere in these provinces.

32. The force consist of Infantry and Cavalry. The Infantry comprises two Battalions of twelve Tomans each, and three extra Tomans. The Cavalry comprizes three Rissallahs, the constitution and cost of each branch of the force are shewn in the margin,*

* Infantry.	Each.			Total.		
1 Commandant, ...	800	0	0	800	0	0
1 Second in Command,....	500	0	0	500	0	0
2 Adjutants, ...	200	0	0	400	0	0
1 Native Adjutant,........	100	0	0	100	0	0
2 Serjeant Majors,........	51	5	2	102	10	4
2 Quarter Master Serjeants,	45	5	2	90	10	4
2 Native Doctors, ...	15	0	0	30	0	0
27 Tomandars,............	50	0	0	1,350	0	0
27 Jemadars, ...	30	0	0	810	0	0
270 Havildars, ...	12	0	0	3,240	0	0
540 Naicks,...............	8	0	0	4,320	0	0
2,160 Sepoys, ...	5	0	0	10,800	0	0
27 Bhistees,...............	5	0	0	135	0	0
27 Pay Havildars, ...	5	0	0	135	0	0
27 Toman allowance for Arms, &c.	25	0	0	675	0	0
Total per mensem	....			23,488	4	8

Cavalry.	Each.	Total.
3 Rissaldars, ...	70 0 0	210 0 0
3 Jemadars, ...	45 0 0	135 0 0
3 Kote Duffadars, ...	30 0 0	90 0 0
24 Duffadars, ...	25 0 0	600 0 0
300 Sowars, ...	18 0 0	5,400 0 0
3 Sulotrees, ...	18 0 0	54 0 0
3 Naulbunds, ...	18 0 0	54 0 0
Total per mensem,	....	6,543 0 0
Bazaar Establishment	....	25 0 0
Grand total per mensem,	....	30,056 4 8
Or per annum.	....	3,60,675 8 0

the total being 3,60,675 per annum. Several proposals have been made for reducing the expence of this force, by altering its organization without injuring its efficiency. Something might perhaps be done in this way, but it would not be material, and it is better without strong reason to avoid the appearance of vacillation, which such changes imply.

33. The duties entrusted to the Battalion are almost entirely Police. They take the Jail and all the Thannahs in Banda, one Mohurrur only being retained at each Thannah. In Humeerpore, they take the Jail and ten out of nineteen Thannahs.

34. The disposition of this force in March, 1845, is shown in the following Table.

Where employed.	Infantry.						Cavalry.						
	Tomandars.	Jemadars.	Havildars.	Naicks.	Sepoys.	Bhistees.	Rissaldars.	Jemadars.	Kote Duffadars.	Duffadars.	Nalbunds.	Sowars.	Sulotrees.
On Civil duties in Banda, ...	5	5	51	116	531	1	0	0	0	2	0	25	0
On Civil duties in Humeerpore including Culpee,‡	5	6	50	108	505	3	0	1	0	6	0	63	0
On Civil duties under Governor-General's Agent, ...	1	3	46	56	425	4	1	1	1	8	1	105	1
At Head Quarters or on leave,..	11	12	114	176	665	19	2	1	2	8	2	108	0
Total,....	22	26	261	456	2,126	27	3	3	3	24	3	301	1

N. B.—The total does not agree with the former total. The returns were made out in haste and probably some detachments have been omitted.

35. The cost of the part of the force engaged in the Civil duties of Banda and Humeerpore will stand thus.

	Bandah.				Humeerpore.			
	No.	Pay.			No	Pay.		
Tomandars,	5	250	0	0	5	250	0	0
Jemadars,	5	150	0	0	6	180	0	0
Havildars,	51	612	0	0	50	600	0	0
Naicks,	116	928	0	0	108	864	0	0
Sepoys,	531	2,655	0	0	505	2,525	0	0
Bhistees,	1	5	0	0	3	15	0	0
Jemadars of Sowars,	0	0	0	0	1	45	0	0
Duffadars,	2	50	0	0	6	150	0	0
Sowars,	25	450	0	0	63	1,134	0	0
Total,	..	5,100	0	0	..	5,763	0	0
	..	5,763	0	0				
Grand total,	..	10,863	0	0				

To compensate for this, reductions have been made in the Civil Establishments thus :

Bandah,	3,120
Humeerpore,	2,826
Total,	5,946

This gives an excess of expenditure amounting to 4,917 per mensem in the charge of the men actually employed on the work, exclusive of those at Head Quarters, who are equally a charge to the state, arising out of the system.

36. In 24 Thannahs of Bandah as many Thannadars each drawing 25 rupees per mensem, and making a total of 600 rupees per mensem have been replaced by

4 Tomandars	@ 50,	200
3 Jemadars	,, 30,	90
17 Havildars	,, 12,	204
	Total,	494

The responsible Police men are not therefore paid so well now as they used to be. Scarcely one of them can read or write or understand the duties of a Police Officer, and the whole work is therefore thrown into the hands of the Mohurrir, a mere

writer on 7 rupees a month. The facts speak for themselves. It is impossible to recommend the continuance of such a system, still less its extension to other districts. Bundlecund is now happily quiet. The presence of these Battalions as well as of a large Military force may be necessary to preserve tranquillity, but I do most earnestly solicit permission to return to the old system of Police, and to revive the Office of Thannadars, and replace the old Police. The strength and cost of the Police as it stood before (say as it is shewn for 1841, in the accompanying tables) may be taken as a standard, and a new distribution of functions and of salaries effected so as to decrease the number, but raise the salaries.

37. It is difficult to suppose that two Tomans can be required in Bundlecund for any length of time. One of them may advantageously with its Rissallah be moved to Benares, and the three extra Tomans with their Rissallahs be kept as now, for the service of the Governor-General's Agent.

38. There is one branch of the subject on which I have not yet touched, and that is the employment of Deputy Magistrates in the interior of districts at a distance from the principal stations. To remedy the evils arising from the size of the districts, the late Lieutenant-Governor ordered all the Joint Magistrates to reside at towns far from the Sudder Stations, and there to exercise separate jurisdiction over a part of the district. This was not found to answer. It in fact doubled the number of districts, while the number of appointments remained the same. The Joint Magistrates in their new localities wanted Houses, Offices, places of confinement for prisoners, &c. They were not always men who could be so well employed alone and at a distance from their superior, as at the Sudder Station, and under his eye. Besides, it was found that, when the Magistrate and Joint Magistrate worked together, the work was more regularly and uniformly done than when they were apart, and the people on the latter plan lost as much in the uncertainty of the administration of justice, as they gained in its proximity. The plan was therefore abandoned, and the Joint Magistrates are stationed now as before ordinarily at the Sudder Station.

39. The evil of large districts is less felt here than in Bengal.

The public Officers are able to move about their districts easily, and are accustomed to do so. For five or six months of the year almost all public Officers travel more or less about their districts in tents, and at other times excursions are not unfrequently made when emergencies arise. The Deputy Collectors have very generally been entrusted with magisterial powers, and no doubt it might be advantageous to multiply Officers of that description, and place them about the districts in the interior. Still such a measure is not at present urgently required. In the district of Goruckpore, the experiment has been tried of giving the Moonsiffs powers for the administration of Criminal as well as Civil justice, and at Pilleebheet in Rohilcund the Sudder Ameen has been made a Deputy Magistrate with the same view. There is every reason to hope that this plan will work well, and it will probably be extended further hereafter. Whenever the duties of the Moonsiffs are heavy, its introduction will involve an increase of the establishment of Moonsiffs.

40. It may be convenient to recapitulate the measures proposed for the amelioration of the Police, and the objects which are to be kept in view for that end.

First.—The pay of the Mofussil Police may be increased, their numbers being diminished.

Second.—The Tuhseeldars should be generally invested with Police powers, under Regulation XI. 1831.

Third.—Great attention should be paid to improve the rural Police by holding the Zemindars to their responsibilities, and by obtaining their aid.

Fourth.—The Police Battalions should be fixed one in each division and kept a good deal together, being employed to guard Jails, Treasuries, &c. and to relieve the regular troops from Civil duties. Where, as in Bundlecund, the numbers will admit of it, a small body of men under a respectable Officer should be kept at each Tuhseeldarree to protect it, and to be at the disposal of the Tuhseeldar to send out on any emergency, where vigorous action may be required. Under such an arrangement the Thannah force may be reduced below what it would otherwise be.

Fifth.—To increase the emoluments, and raise the position of the higher Police Officers in large towns.

Sixth.—To vest either the Tuhseeldars or Moonsiffs gradually with powers as Assistant Magistrates to enable them to try petty cases, or to prepare heavier ones in the Mofussil without sending the parties in to the Magistrate.

41. It will be observed that the fifth only of these measures necessarily involves increased expence to the Government, though the sixth is likely also to occasion it.

42. Appended to this minute, there will be found statements showing the strength and constitution of the Police and revenue establishments, in these provinces on May 1st, 1841.

J. THOMASON,
Lieutenant-Governor, N. W. P.

Agra, the 22d May, 1845.

No. 25.

REPULSE OF THE POLICE FROM MYTHNA.

Letter to Commissioner of Meerut regarding the riotous repulse of a party of Police engaged in serving a criminal process.

No. 3451.

To the Commissioner of the Meerut Division,
Dated the 14th August, 1845.

SIR,

JUDICIAL DEPARTMENT. The Lieutenant-Governor has perused, with much concern, the circumstances reported in your letter No. 48, dated August 2d, regarding a riotous repulse from the village of Mythna in the Meerut District of a party of the Police engaged in serving a criminal process.

2. The Lieutenant-Governor doubts not that every practicable effort will be made to apprehend the offenders, and bring them to justice. There seems to have been much want of information and foresight in the arrangement which led to the affray, but there does not appear to have been any want of zeal or exertion subsequently in the pursuit of the rioters. The

apprehension of the women and children of the village was a useless and unjustifiable act. You did rightly in directing their immediate release.

3. But the circumstances of this case, as partially developed in the correspondence already forwarded by you, and as they have been represented to the Lieutenant-Governor in other quarters, afford much subject for serious consideration on the general working of the system of administration now introduced into the country.

4. The former power of the Goojur tribe in this district is well known. The head of them Rajah Nyne Singh, in his fort at Prichutghur forty years ago, was a formidable chieftain, and the object of some anxiety to the Government. The Goojurs generally are a turbulent and unthrifty tribe, little able to settle down to the quiet occupations of peaceful life, and averse to habits of steady industry. It appears probable that they are gradually sinking before their more industrious or crafty neighbours, and that they will soon be deprived of the greatest part of their possessions.

V. Report of Board of Commissioners, dated April 13th, 1808, paras. 131, 157 in revenue selections printed by the Court of Directors, pp. 23, 28.

5. In a firm and settled Government, this loss of proprietary right is generally the result of pecuniary embarrassment, and the operation of the Civil Courts. The process is always galling to a proud and turbulent people, even when it is the necessary result of their own improvidence, and brought about in the most just and fair manner. But the result is insupportable when the powerful but ignorant proprietors find themselves a prey to crafty intriguers, in whose hands the Civil Courts become an engine of fraud and oppression.

6. When such is the case, and the strong power of the Government is put forth in support of the schemes of aggrandizement formed by such men at the expence of the landed proprietors, it is not surprising that the latter are driven to desperate courses, and become involved in hostile collision with the troops of the Government. The resentment, which would naturally have been entertained only against their oppressor, becomes directed against the Government whom they find supporting the oppression.

7. It is very evident, from the circumstances stated in the Magistrate's report, that many crimes on the part of these Goojur villagers have resulted from the course pursued by Buktawur Singh, who has obtained decrees against them in the Civil Court, and by that means brought their estates to public sale, and purchased them himself. It is in the attempt to support him in the proprietary rights thus acquired that the Civil Officers of the Government are resisted, and mal-treated; and it follows as a consequence that the Goojurs who offer the resistance are reduced to a state of outlawry, and driven to acts of plunder and rapine.

8. It does not appear by what means Buktawur Singh effected his purpose, whether his claims were just and fair, or whether they were false or fraudulent,—whether his demands were for benefits actually conferred, and valuable accommodation given in real time of need, or whether they were craftily swelled to an inordinate amount from the recklessness and ignorance of the debtors. On these points it is most desirable that you should obtain the fullest information, and it is hoped that you will hereafter report the result of your enquiries.

9. It is of importance to consider what is the duty of public Officers, and more especially of a Magistrate and Collector, when he sees a process of this nature passing before his eyes. It will happen, in all states of society, that the ignorant and the idle classes must give way before the prudent and industrious. It is neither possible nor desirable that it should be otherwise. It is perhaps moreover improbable that this change of proprietorship should go on without some occasional disturbance of the public peace. Ruin must follow ignorance and sloth, and ruined men will become desperate.

10. But still much may be done to lessen the evil. Something may be done towards the encouragement of industry and order in the village communities. Much may be done towards their protection from fraud and injustice, by enquiry and advice, and mediation on their behalf. But, if at length their proprietary rights do pass away to another, the cause of good order will be promoted by timely interposition between the new proprietor and the old cultivators, so as to arrange on an equitable basis

the terms upon which the latter should hold, and to ensure to the former the profit he is justly entitled to. It not unfrequently happens that in such a state, as tenants of a wealthy superior, the people are really better off than as indigent and helpless petty proprietors. If in some instances these efforts fail, the offenders will then lose much of the common sympathy and support, will be less formidable in their depredations, and will be more easily crushed or driven away.

11. All this the Magistrate has in his power, armed as he here is with the influence and authority of the Collector. Exertions, thus made and carried forward with patience and perseverance, would tend more to the peace and safety of his district than the most zealous and vigorous efforts of a powerful Police. The time and opportunity could easily be found, if there were but the power and inclination, thus to search out the causes of crimes of this nature, and to direct effort to their prevention rather than to their subsequent repression.

12. The Lieutenant-Governor does not make these remarks with any intention of reflecting upon the conduct of the gentlemen connected with the district in this instance. Difficulties have occurred from the temporary removal of the Officer, whose local experience would have best enabled him to meet such an emergency, and from the sickness of his temporary substitute in charge of the district. Still it may be useful thus to set before you the reflections to which the occurrence naturally gives rise, in order that you may consider how far it is practicable to observe towards these Goojur communities, and all others similarly situated, a course of conduct regulated on these principles, and directed to the prevention of crime by steady conciliatory measures, tending to prevent desperation, and to promote industry.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 14*th August*, 1845.

P. S.—Since the above was written, your letter of the 7th instant, No. 49, has been received, and does not appear to call for any further particular remark. The attempt of the Collector

as mentioned in the last para. of Mr. Ravenshaw's letter of the 6th idem, to commute payments in kind for money payments, appears to have been judicious.

No. 26.

PRESERVATION OF TIMBER FORESTS.

Letter to Military Board regarding Timber Forests, Revenue, 17th October, 1845, *No.* 108.

No. 4472.

To the Military Board,

Fort William.

Dated the 17*th October,* 1845.

GENTLEMEN,

REVENUE DEPARTMENT. I am desired by the Lieutenant-Governor to acknowledge the receipt of your letter, No. 3004, dated the 26th August, regarding the preservation of Timber in the Sub-Himalayan Range, and to inform you that the subject is at present much engaging the attention of the Government, and that great difficulties are found to surround the case. As the Board represent one of the most important interests concerned, the Lieutenant-Governor desires me to take this opportunity of bringing the question under your consideration, in the light in which it occurs to him, and of requesting the favour of such suggestions as may occur to your Board on the subject.

2. There can be no doubt that every year wood is rising in price, and the larger sized timbers are more difficult to be procured. Such is the natural and inevitable result of national prosperity, and of a consequently continual increasing demand upon a limited supply. The fact proves nothing. When the material is cheap, it is of course wastefully expended; and as it grows dearer it is more economically used, till at length it becomes worth while to cultivate and grow timber with the view of obtaining a profit upon the outlay. The question is how to reach this ultimate point, to which a settled and thriving state of society must ultimately lead with least public inconvenience. It is evidently advantageous that, in the earlier and less

wealthy state of society, timber should be cheaper than in the more advanced and wealthier state. Any measures which by hoarding up the timber at first, and thus increasing its price, should aim at future cheapening the commodity, would be so far objectionable, and would retard national prosperity. The only right measure would be to cut and sell freely as required, but so as to prevent waste.

3. There are many different interests to be consulted in the disposal of timber in public forests. The poor require small timbers, the more wealthy require large timbers. The wealthy have no right to demand that, for their convenience, the price of small timber shall be unduly raised upon the poor. There is also the national interest, which justly demands that at any cost such a supply of timber be preserved as may be necessary for the purposes of the state.

4. Setting aside for the present the last interest, let us first consider how the general wants of the public can be best served. Major A. Abbott justly remarks that it is right to cut down young trees to thin the forest, that it is proper to fell middling-sized trees to meet the great public demand, and that it is necessary to reserve some large trees for special purposes. Here then the simultaneous regulation of three conflicting processes has to be maintained, and it must be confessed that it is most difficult to effect this, so as equitably to meet the wants of society, and not to impose an undue tax upon one portion for the benefit of another.

5. The mode in which this has been hitherto effected is to leave the public to cut the timber as they like, paying to Government the price of it in the shape of a duty upon its removal from the forest. The advantages of this system are, that the Government derive a considerable nett revenue* from their forests, and that the supply of the wood is as regular and as well adapted to the wants of society, as the state of the forests allow. Its evil is that the timber is likely to be cut

* A reference to the revenue account shows the following credits to Government from the forests between the Jumna and the Surdah. More particular local enquiries would probably swell the amount.

1839-40, ...	31,574	8	4
1840-41, ...	49,704	9	10
1841-42, ...	51,119	8	4
1842-43, ...	38,596	10	0
1843-44, ...	43,346	4	0
1844-45, ...	49,785	8	0

without due regard to economy. Young trees will be unnecessarily destroyed when older would answer better; and those trees which are rightly taken are not cut to the best advantage. Such is undoubtedly the case. The question is, how this evil can be avoided. It is of no use to shew defects attaching to the present system of management, without devising a means whereby they can be avoided.

6. There seems to be no alternative but for the Government to come forward itself as the proprietor of the forest, and decide what trees shall be cut, and at what price they shall be sold. This, in some form or other, is the real principle involved in any other scheme which has ever been proposed consistent with the maintenance of the proprietary right of Government in the forests. In order to do this effectively, the Government must maintain a large and efficient establishment in a very insalubrious country. The person who directs this establishment must have an intimate knowledge of the resources of the forest, and an enlarged acquaintance with the wants of the people, and the state of the timber market. Having this knowledge, he must also possess the judgment, temper, and discretion, to enable him rightly, and impartially, to apply his knowledge, and he must also possess vigilance and industry to secure that the principles he lays down are rightly applied. If such an agency can be secured, the object will be attained. Wood will continue to rise in price, and large timbers yearly become more difficult to procure, but the increment of the one and the other will be slower than at present.

7. On the other hand, if the agency be ineffective, the price of timber may be very unduly enhanced by its too close preservation, or the timber may be wasted from the relaxation of proper restrictions on its removal.

8. In either case the Government will be burthened with the expence of an establishment, which from the nature of the duties required of it must be costly. A present revenue will probably be diminished; a future expence will certainly be incurred. The public interests may be much injured; the benefit to them, if the utmost possible, will be scarcely appreciable.

9. These considerations induce the Lieutenant-Governor to

hesitate before he makes any material alteration in the system of management which at present exists. But hitherto it has been customary to farm, for a course of years, the forest dues to speculators, which has had the effect of shutting out the Government from all power of controlling the management of its own forests. This has been so far altered that the leases have now been allowed to expire, and have not been renewed in any places where local circumstances afford hope of successful direct management. The farms of the Dhoon, and of several of the forest tracts in Rohilcund, have thus been terminated, and the local Civil Officers have been placed in charge of the collections, with directions to watch the operation of the system, and to see whether means cannot be discovered for obviating the most objectionable results of the present system without entirely altering it.

10. But to return to the subject which more particularly regards your Board, viz. the national interest, which requires that a certain supply of the best timber for Military or other public purposes should always be kept available, the Lieutenant-Governor has no hesitation in deciding that this should be secured at all cost. An intelligent and qualified Officer should determine what part of the forest contains the trees best suited for Government purposes;—that portion of the forest should be reserved, and administered by a Government establishment. Good roads or other such means should be devised for cheapening and facilitating the removal of the timber. No more should be cut than is necessary for Government purposes, or to promote the free growth of the remainder, and such as is cut for the last purpose should be sold to the best advantage.

11. But the Officer, who should effect this, must act under the immediate orders of your Board. He must know what are the present, and likely to be the future wants of the department, and he must be in such constant communication with the Officers of the department, as may ensure the regular supply of a sufficient store of seasoned timbers. The effect of this will certainly be to raise the price of the timbers, and it may then be a question whether it would not be more economical to procure the supply elsewhere. Thus we return to the original

difficulty, viz. whether the cost of an establishment for the preservation of the timber will not so enhance its price, as to render the expediency of maintaining the establishment doubtful. Viewing the question as a national one, it appears to the Lieutenant-Governor that it ought to be set at rest at any cost and with as little delay as possible, and that your Board will act wisely in taking it into your earliest and most serious consideration.

12. As this subject is not unlikely to come under the notice of the Right Hon'ble the Governor-General of India during his stay in these Provinces, a copy of this correspondence will be furnished for His Excellency's consideration.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 17*th October*, 1845.

No. 27.

MINUTE ON STONE QUARRIES.

No. 104, *dated* 18*th February*, 1846.

REVENUE. 1. The stone Mehal in the Mirzapore District has lately been the subject of much discussion, and is likely hereafter again to come under discussion, now that Mirzapore has become a commercial mart of some importance, and the country lying to the south of it is attracting attention from its mineral products. Information is much required regarding the nature and effects of the present management of the Mehal. I propose therefore now to place on record what I conceive to be the state of the case from enquiries made on the spot, and also to direct enquiry so as more fully to explain the particular features of the present arrangement, and prepare the way for future amendment of the system.

2. At the time of the permanent settlement, the Government separated the stone Mehal from the land revenue, and kept it in their own hands. At first they worked the quarries on their own account, and sold the stone at fixed prices. They subsequently fixed a certain rate of duty on the stones taken from the quarry, and have either collected the duty themselves, or leased it out to a farmer. The rates fixed in 1800 have remained unchanged since. When the rates were first fixed, these were the only quarries within our territories, and the existence of others was very little known. Soon afterwards however the quarries along the right bank of the Jumna in the Allahabad and Bandah Districts, together with those near Agra and at Delhi, came under our rule. No duty whatever on the part of the Government is levied on the stones from those quarries, nor do the Officers of Government in any way interfere with their management.

V. Sections 81-82, Regulation XXII. 1795.

V. Regulation II. 1800.

3. The duties on the stone Mehal in Mirzapore have generally been leased out to a farmer, and such is the system at present in force. A lease for five years commencing with March 1845, has been given to Pragdutt Doobey, Umjud Ally, Jotegeer and Jubbul Ketree, at a jumma of 29,500 rupees per annum. The manner, in which this farming system works, deserves consideration. The following remarks are the result of a short conference at Mirzapore with the principal parties concerned, and must be received with caution as the supposed state, rather than the ascertained actual condition, of things.

4. The Zemindars have no concern whatever with the quarries. The persons who work the quarries open them, take stone from them, and leave them without consulting the Zemindars. Stone may be quarried at will from any spot which is unoccupied by crops or otherwise, and the only respect in which it is necessary to consult the Zemindars is for a right of way to the quarry, whenever such way would affect the crops, or otherwise injure the Cultivators. The power to authorize the opening a quarry properly rests with the Government, but, as the Government have thrown it open by Section 2, Regulation II. 1800, any one is by law at liberty to take stone, wherever he can find

it, so long as he does not interfere with the operations of other stone-merchants. Virtually however, as will be seen, the farmer of the stone Mehal has it in his own hands to grant permission to open a new quarry, and few could do it with any prospect of success if he withheld that permission.

5. The farmers are leading stone-merchants, and take the farm in order to make it subservient to their speculations. The rate of duty is high, apparently higher than the market price of the stone admits. The market price of the stone is limited by the demand for it, as well as by the price at which stone can be furnished from other untaxed quarries, and especially from those in the neighbouring Zillah of Allahabad. In fact, the duty is so high that its rigid enforcement would restrict the demand to such an extent, as to make the total produce of the duty less than it would be if the rate of duty were lower. Such being the state of the case, the sum paid by the farmer is not the actual produce of the duty, but it is the price which they are willing to pay in order to have the command of the market, which the power of levying the heavy duty conveys.

6. It appears then that in fact the farmers do not levy the full duty from those whom they admit to trade in the article. They pay of course no duty themselves, and they levy less than the legal duties, except from those whose competition they fear, and whom they wish to exclude from the market.

7. The quarries at present open are the property of the merchants who work there. They have known limits which are determined in case of dispute by a local custom, each man's right extending as far from the edge of a quarry, as he can throw a stone with his left hand, or to the intermediate point between such limits, when the quarries are within a stone's throw of each other. All the old native merchants are on an understanding with the farmers, and pay less than the established rates of duty, but it is not clear whether the lower rates are uniform, or vary according to locality, or are fixed by separate negociation in each case. Some Europeans, who work a few quarries as ornamental stone masons, are believed to pay the full rates; but generally the stone market is in the hands of the native merchants, and consequently they have a great command

over the hewers of stone in the quarries. Any person, who wishes to establish himself as a rival to the present body of stone-merchants, would not only lie under the disadvantage of having to pay the full duty, but he would also have to combat their influence over the hewers of stone.

8. If the above is the real state of the case, it is very evident why Government have hitherto failed in holding the Mehal Kham. They have attempted to levy the full rate, and have thus diminished the supply of stones in the market, and have not realized the sum which the merchants were willing to give. So also, when a European speculator lately attempted to take the Mehal, he very soon failed because he was unable at once himself to command the market, and because he would come to no compromise with the native merchants.

9. There is no apparent reason why the right of Government to raise a separate revenue from the stone should be asserted only in the Mirzapore District, whilst it is waived in the Allahabad, Agra, and Delhi Districts. The general practice of the Government is to leave this, as well as all other Sayer (i. e. manorial,) rights to the Zemindars. There is every reason to believe that, if the present duty on stones were remitted, the greatest spur would be given to the improvement of the country. Not only would encouragement be given to the erection of stone buildings for private accommodation, or for public purposes, but industry would be stimulated over the whole of this large and interesting tract of country. The present sort of monopoly of the merchants would be broken up,—active competition would arise in the trade. Stone would be cheap, and the demand for labour in the quarries greatly increased. The consumers and the hewers of stone would be benefitted. The present merchants would perhaps be injured, and they strongly deprecate any such measure. The gain to the public at large would be very much greater than the revenue lost to the Government.

10. If the Government do ever resolve on making this sacrifice, they must be careful to determine in whose right they relinquish the privilege they possess, and under what terms the new privilege is to be exercised. The present proprietors of

quarries should be maintained in possession of them, the limits being fixed where they may be at present intermediate; and the Zemindars should be vested with the power of opening new quarries, whether they are those which have never yet been opened, or which are now deserted in any part of the country. A rule should also be laid down defining the way in which the right of an old proprietor would lapse to the Zemindar,—say, for instance, on desertion of the quarry for an entire year.

11. Another and perhaps a better measure would be to revise the present rates of duty. It is evident, from Section 14, Regulation II. 1800, that it was never intended these rates should be permanent. The price of stone must vary with the state of the market, the quality of the stone, and the place where it was raised. A rate of duty which was fair in 1800, and at certain places, may now be prohibitory as regards many kinds and many localities, if not universally. To lower the rates may increase the produce of the duty, and at the same time diminish the undue profits of the merchants who hold the farm, and therefore benefit the people greatly.

12. But further information is requisite before either of these plans is carried into execution, and the present time, whilst the existing farm is in force, should be diligently employed in collecting information, so as to enable the Government when the proper time arrives, at once to decide upon the course to be pursued. I proceed to note those points on which information is required, and to explain how it may best be acquired.

13. We are ill informed at present of the nature of the connection which exists between the farmers and the stone-merchants. The merchants apparently constitute a kind of guild or corporation, of whom the farmers are the head. How do they regulate amongst them the profits of the undertaking? Do the farmers run the risk of the farm themselves, or are they only as it were the Directors of a Company of Shareholders in a joint-stock operation? What are the rates of duty actually paid? Are they uniform at all quarries? or do they vary according to the quality of the stone? or the locality of the quarry? or are they the subject of separate bargain and contract with the

proprietor of each quarry? On what terms are new quarries opened? Is there in such cases prior negociation with the farmers? Is the full duty, on all stone raised, paid from the commencement? or if not, by what rule is it regulated?

14. A right understanding on all these points is very necessary in order to enable the Government to determine with certainty the proper course to be followed. They are secrets of the trade, generally kept from the knowledge of strangers, but they may all be fully discovered by a little ingenuity and perseverance. The persons from whom information is to be sought are the quarriers of stone, the stone-merchants, the farmers, and the purchasers of stone. The most candid and intelligent men of these several classes should be sought out, and questioned quietly and separately. If there has been any competition for the farm, or if there has been any quarrel amongst the farmers or the merchants—enquiries may be made from both parties, and their accounts compared. It is impossible but that enquiries, thus steadily pursued for a time, should elicit the fullest information.

15. The enquiry will be facilitated by arranging all the information systematically. For this purpose the first step should be to make a register of all the quarries in the district. This register should be Mouzahwar, the Mouzahs being arranged according to their geographical position from west to east along the river front, and the quarries in each Mouzah being distinguished by their names, or if they have no names by numbers. The register should show the names of the proprietors, the time that each quarry has been worked, probable produce both in quality and quantity, and the terms made with the farmer,

on which it is worked. A form somewhat on the plan in the margin* may be the most convenient for the purpose.

16. So long as the farm lasts, it is evident that no change can be made without the consent of the farmers, and this consent will probably not be given except for a consideration. If then it be determined eventually either to give up the collections altogether, or to reduce the rates, it will remain for arrangement on what terms that can immediately be done. It is evident that, if an impression gains ground that the duty will be entirely remitted at the close of the farm, or the rates materially reduced, the quantity of stone cleared out during the latter part of the lease will be much reduced. It is also probable that if any bold European speculator were to come forward, who by his superior arrangements for quarrying could pay the full duty, and yet beat the native merchants out of the market, their profits would be greatly reduced, or they might be subjected to loss. The same might be still more the case if some spirited speculator were to find and work a good vein of stone in the Allahabad quarries. These contingencies are not unlikely to occur in the event of a rail-road being opened in the vicinity. Reflection on these possible occurrences might induce the farmers to agree to a modification of the existing arrange-

* *Register of stone quarries in the District of Mirzapore in the year 1846.*

1	2	3	4	5	6	7	8	9
No. in List.	Name of Mouzah.	Name or number of quarry in the Mouzah.	Name of owner.	Time that the quarry has been worked.	Quality of stone.	Quantity or value of stone raised in preceding year.	Terms of agreement with the farmers.	Remarks.
			The owner probably is always a stone-merchant.	Great accuracy in this entry is not necessary.	Any convenient nomenclature may be used, Native or English.	The proximate value can be given, if the quantity cannot be accurately stated.	Whether belonging to farmers, worked on contract, or at what rates of duty.	The cause may be here entered of the particular arrangement with the farmers, and general information given of the accessibility, extent, &c. of the quarry.

ment on moderate terms, even before the expiration of their lease.

17. When considering this question of the Mirzapore stone Mehal it will be well to take a more extended view of the subject, and advert to the building stone found at different parts of the country in this section of the presidency. In several points on the southern and western limits of the Gangetic basin the sandstone formation approaches the river, and furnishes very good free stone in convenient positions. This stone is very valuable not only for domestic purposes, for which it is now mainly used, but also for architectural purposes.

18. It is of the greatest importance that accurate information should be generally available regarding the comparative value, and accessibility, of the different quarries. No such information is now generally available to the public, and the present opportunity may be seized to supply the deficiency.

19. The stone shows itself in the Mirzapore District, and again in the Allahabad and Bandah Districts on the right bank of the Jumna. It approaches the Jumna near Agra, and it abuts upon the river at Delhi.

20. The information now required regarding Mirzapore will be sufficient on the points there embraced.

21. Information must be called for regarding the Allahabad and Bandah quarries.

22. Mr. Robinson's researches last year give us some information regarding the quarries near Agra, but the information had better be sought again under particular specified heads.

23. It will be necessary to obtain from Delhi information similar to that now required from the other places.

24. These detached enquiries will be useful in affording materials for a more comprehensive report. This report might be made complete, if some intelligent person, familiar with the practical details of the question, could visit the several quarries, and report upon the quality and accessibility of the stone. As such a person cannot however at present be found or deputed, it might be useful to obtain, and lodge in the Museum of Economic Geology now forming at the Agra College, specimens of the different kinds of stone, upon the chemical composition of

which Mr. Middleton, the present principal of the College, will probably be able to furnish us with a valuable report.

25. For this purpose it is necessary that the Collectors of Mirzapore, Allahabad, Agra and Delhi, be desired to furnish Mr. Middleton with specimens of the chief kinds of stones raised from the quarries in their respective districts. These specimens should be cubes of one inch each way. They should be formed of each kind of stone as commonly known to the native merchants. Each specimen should be labelled with a number, and a list should be drawn out, giving the native name of each specimen, the place from which it was quarried, the price it bears at the nearest stone-mart on the river, the estimation in which it is held by the natives, its most apparent qualities, and the character for durability which it derives from actual experience of its value in any known building. To such lists as these Mr. Middleton might be able to add his own observations from a chemical examination of the stones, and the whole would form a valuable collection for the practical architect as well for the geologist.*

J. Thomason,
Lieutenant-Governor, N. W. P.

Camp Allahabad, the 31st January, 1846.

No. 28.

SETTLEMENT OF PUCHAWUR, WOORYNEE AND JADOONPORE.

Settlement of Mouzahs Woorynee and Jadoonpore, Zillah Muttra, *No.* 2209. *May 26th,* 1846.

To G. C. Barnes, Esquire,
Officiating Secretary to the Sudder Board of Revenue, in the N. W. Provinces, Agra,
Dated the 26th May, 1846.

Sir,

Revenue Department. I am directed to acknowledge the receipt of your letter, dated April 3d, last, regarding the

* The result of these enquiries has been printed at pp. 86—119 of the Selections from the records of Govt. N. W. P. vol. I. W. M.

settlement of Mouzahs Puchawur, Woorynee, and Jadoonpore in Zillah Muttra.

2. It appears that the Board took up the cases of these Mouzahs on petition of the Zemindars. They have come to the conclusion that Puchawur and Jadoonpore are not over-assessed, but they "content themselves for the present in recommending that the proposal to reduce the jumma be restricted to Mouzah Woorynee." They further express themselves "satisfied that the Collector will not press the demand beyond the power of the landholders to pay, and that, as he gains experience of his district, he will not fail to notice such irregularities of assessment in Purgunnah Mahabun, as may be found on careful enquiry to need correction."

3. These expressions, coming from so high an authority as the Board, seem to imply more than the words necessarily convey. They seem to argue great over-assessment, and it may be inferred that Mouzah Woorynee has been put forward as a strong instance of this over-assessment. The case has therefore received the most careful consideration, and the following is the result at which the Lieutenant-Governor has arrived.

4. The Board recommend reduction of assessment because "of the distress of the people, and on a comparison of the rates of assessment in surrounding Mehals." At the same time it is stated that "the cultivation has not fallen off, and there seems no reason to doubt the fairness of the assumed jummabundee of the settlement Officer, viz. rupees 10,568, which affords a considerable surplus above the jumma of 8,501 rupees.

5. Now it may be observed that several of the neighbouring Mouzahs bear higher rates than Woorynee, and that therefore this argument, which at best is a mere guide to further enquiry, does not bear out the fact of over-assessment. The distressed state of the Zemindars deserves further consideration. They attribute it to the enhanced demand of Mr. Deedes as well as to the drought. The jumma before was 8,001, and Mr. Deedes raised it to 8,501. It might therefore be expected that up to Mr. Deedes' time the village was flourishing, and that it decayed from that time.

6. The whole history of the Mouzah has been most carefully

explained by Mr. Deedes in his letter, dated January 10th 1829, to which allusion is made in the margin of Commissioner's letter to the Board, dated October 6th 1832, forwarded by the Board to Government with their letter of April 16th, 1833. This curious and interesting detail shews that the village was then, as now, embarrassed. The unfavorable season of 1220-21 Fr. or 1813-14, and subsequent mismanagement had then, as now, reduced the proprietors to the greatest distress, and Mr. Deedes by great and most humane efforts, rescued the proprietors from the grasp of a Bhorah named Jowahir, resident in the neighbouring village, into whose hands their proprietary rights were fast passing. It is evident from his detail (see para. 22,) that the assets of the village were very leniently calculated at 10,613 rupees, that the Zemindars readily assented to the justice of the grounds on which his calculation was based, and that they not only assented to pay his jumma, but also made arrangements to liquidate a considerable balance due to the Bhorah.

7. The increased jumma fixed by Mr. Deedes was punctually paid up to 1245 or 1837-38, the year of the famine. In the years 1246 and 1247 and in 1842-43, 1843-44 and 1844-45 balances have accrued, but on the other years the whole demand has been realized.

8. On April 16th 1833, the Sudder Board of Revenue reported this settlement, (the details of which were fully before them,) and that of the whole purgunnah of Mohabun, for twenty-two years, speaking in high terms of commendation of the proceedings. The sanction of Government was given as recommended.

9. On the expiration of this settlement, an opportunity was afforded for revising this assessment, and correcting any errors that might have occurred. So far from any error being then suspected, the Board in their letter to Government, dated September* 21st 1841, (four years after the famine) speak on the subject with renewed satisfaction, and in the strongest terms. On their recom-

* *Extract para.* 2 *of a letter from the Secretary to the Sudder Board of Revenue. N. W. P. dated* 21*st Sept.* 1841, *No.* 400.

2. "The settlement of this district was made several years ago, has stood the test of experience satisfactorily, has been repeatedly examined by the Board in detail, both as regards the rate of assessment, and the subsidiary arrangements, and would have been long since submit-

ted for confirmation, but that the Board were unable to obtain from the Collector his English report of the work."

mendation the settlement of this, as well as other purgunnahs, has been confirmed for thirty years.

10. Two years ago, it was represented to the Government that parts of Zillah Muttra had suffered so severely from unfavourable seasons that some relaxation of the demand was required. The necessity was admitted, assistance was given the Collector to enable him to make the proposed revision, and his recommendations were acceded to. Purgunnah Mohabun was not then declared over-assessed, and the settlement of Mouzah Woorynee was not recommended for revision.

11. The Lieutenant-Governor has been induced to examine this case considerably in detail, because he does not find, from the correspondence submitted by the Board, that it has received that consideration which it deserves, or that sufficient advertence has been had to the principles on which such a proposal as is now made can be received.

12. When a settlement has been deliberately sanctioned by the Government, it should not be lightly impugned. It is a contract binding on both parties, not to be set aside on a mere question of consideration for the people, but only on strong proof of the impossibility, or impolicy, of attempting to realize it. When petitions of over-assessment are lightly received by the Board, and reports called for from the district Officers, it necessarily results that expectation of reduction is formed, and all those arts and intrigues are called into operation which are so well known in this country, as the means by which an ignorant and short-sighted people endeavour to force a reduction of the Government demand. Bribes are given—land is thrown out of cultivation—agriculture is neglected, and every show of abject poverty is made to support the plea. It is only by steadily refusing to receive such excuses, and in ordinary years promptly and rigidly enforcing the demand, that the exertions of the people can be properly called forth.

13. But of all pleas, which can be adduced to support a recommendation for reductiou of jumma, perhaps distress and poverty, taken alone, are among the weakest. In large coparcenary communities there is ever a tendency to impoverishment

by over-population, and minute sub-division of property, even supposing the greatest industry and good management. The proprietors of rent-free Mouzahs are often the most impoverished and distressed. Woorynee is evidently one of these Mouzahs where the wants of the people are ever pressing on the means of subsistence. However much the jumma were reduced, the first unfavourable season would reduce them to distress; and the plea might be again advanced. Till the people have wisdom and resolution enough to throw off their surplus population, periods of distress must constantly occur, and changes of property follow. In such villages the Government demand is only a maximum which in good years leaves a fair profit, whilst in bad years either the demand must be relaxed or a transfer of property enforced. The determination of the most expedient course to be pursued in such cases taxes to the utmost the skill and the judgment of the Collector.

14. Mr. Deedes' detail regarding Mouzah Woorynee shows how, under former Governments, transfers of property were effected by the sword, or by voluntary contract. Now, they are more often effected by the operation of the law, and it is impossible to devise a scheme by which the enforcement of the law should be avoided. Mr. Deedes, by his personal influence, once saved the village community from subversion, but similar efforts cannot always be put forth.

15. It is impossible to fix what is the fair share of the nett assets of a Mouzah, which should be taken as the Government demand. Mr. Deedes, after a low and moderate calculation of these assets, gave up 19 per cent. to the proprietors. Other persons might have allowed them 25 per cent., or 30 per cent., and it might have been better policy to do so; but the Government jumma is not necessarily a definite fraction of the assets, nor is either party at liberty to re-open the enquiry, and call for a re-adjustment on the ground of the demand nŏt corresponding with such a fraction. If once the basis of a contract is deserted, and the servants of Government are allowed to advocate reductions of jumma when they consider the Zemindars to be in a distressed state, confusion is introduced into the whole revenue system, and it must be re-constructed on other principles.

16. It remains then to determine what are the circumstances under which a reduction of jumma should be advocated during the currency of a settlement. As regards individual Mouzahs it can seldom be advocated till after recourse to all legal means of realization, unless on proof of error, or fraud, or misconception on both sides at the time of settlement. Supposing, of course, that the area remains the same, suspensions or remissions of jumma are the right remedies for unavoidable misfortunes, which may befal single villages. Tracts of country consisting of purgunnahs or districts may be so impoverished, or depopulated, by adverse seasons, or alteration in the markets, or other general causes, that reduction of jumma may become necessary, or expedient. Such was the case lately in Furruckabad and Mynpoorie, and other districts in the central Doab. Such general causes occasioning either depopulation or fall of rents, or destruction of capital, have only to be clearly stated, and they will receive immediate consideration. They were stated regarding parts of the Muttra District. The statements were received, the necessity was admitted, reductions were given, and the enquiry was closed. It seems doubtful now whether the Board mean to recommend further enquiry, and further reduction.

17. The Lieutenant-Governor hopes that he will receive the Sudder Board of Revenue's co-operation in the assertion of these principles. It is with much regret he declines compliance with any of their recommendations, but he is compelled to state that, in the case which is the subject of their present reference, the proposal has not been well considered, nor has such a case been made out as can meet with sanction.

18. The Lieutenant-Governor considers it desirable that the principles, on which this determination is based, should be made known to the local Officers, and requests that a copy of the letter may be furnished to the Commissioner and the Collector.

I am, &c.

J. Thornton,

Secretary to Government, N. W. P.

Agra, the 26th May, 1846.

No. 29.

PURGUNNAH SECUNDERPORE.

No. 3478, *20th August,* 1846, *No.*

To A. Shakespear, Esquire,
Officiating Secretary Sudder Board of Revenue,
North Western Provinces, Agra,
Dated the 20th August, 1846.

SIR,

REVENUE DEPARTMENT. The Sudder Board of Revenue are aware that the provisions of Section 3, Regulation IX. of 1825, have been completely carried out in the Province of Benares, with exception to Purgunnahs Secunderpore and Budaon, Zillah Azimghur. In those Purgunnahs the boundaries only were settled, and marked off, and a professional survey made. There was no kusrah survey, and consequently no record of existing rights.

2. On his tour through these Purgunnahs last season, the Lieutenant-Governor saw reason to regret that the measure had not been completed there as elsewhere, and came to the conclusion that what is still wanting may be now safely and advantageously performed.

3. The Lieutenant-Governor is therefore pleased to invest the Revenue Officers of Azimghur with special powers under Section 3, Regulation IX. 1825, in the Purgunnahs of Secunderpore and Budaon, and in the permanently settled Mehals in Purgunnah Nuthoopore, till the completion of the work, and the issue of final orders by the Government on the report. The operations will be conducted mainly by Mr. Muir, the Collector, who will be assisted by Rai Manick Chund, the present Deputy Collector at Benares. The Board are requested to instruct the Commissioner to depute him to Azimghur for that purpose.

4. On the receipt of these orders, the Collector, in conformity with Clause 2, Section 20, Regulation VII. 1822, will issue a notification in the purgunnahs, explaining the object of the

measure, and especially assuring the people that the demand of Government on their Mehals will on no account be altered.

5. In carrying out this measure, the Collector will restrict himself to recording and defining the state of property which he finds to exist. He is incompetent to disturb possession in any way, except with the consent of the parties, or under orders from the Civil Courts. He is competent to fix disputed possession, and to define the incidents of existing possession, even when he may not be able to bring the parties to an agreement on the subject. Thus, for instance, in coparcenary Mouzahs he may find the proprietors in separate possession of part, and in joint-possession of the remainder, of the Mehal, and unable to determine amongst themselves how to divide the common part. As to the part held in severalty he is incompetent to disturb possession, though he may allot the jumma. In the part held in common, he is competent to determine the rule of partition, and actually to make the partition, either keeping the Mehal entire, or dividing it as he may find right. In exercising his discretion as to the extent to which he will pursue this course, he will be guided by the wishes of the community or of the majority of them, and by what he considers necessary to promote their welfare.

6. The only documents which it will be necessary to draw up will be the khusrah, and administration paper, and a set of accurate Putwarrees' papers, for the past or current year, based on the measurement. A final Robukkaree will be necessary to explain the manner in which the documents have been compiled, and to give them the stamp of judicial authority.

7. The contribution of one rupee per cent. for the repair of the roads cannot be demanded, unless the people agree to give it in commutation of all demands upon them for labour to repair the roads.

8. The charge for measurements, when not defrayed by the parties themselves with a view to partition, may be passed at the usual rate, and inserted in the monthly contingent bills. Under the arrangement explained in paragraph 6, the expence of these measurements will probably be the only extra charge attendant on these proceedings; but if extra aid be found indis-

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pensable, the Commissioner will exercise his discretion in sanctioning it.

9. As soon as the measure is completed, and the records formed, the Collector will furnish a report to Government accompanied by the usual statements, and will, at the same time, explain the general nature of the operations, and offer such remarks as may occur to him regarding the state of landed property, and the condition of the people.

10. A copy of this letter will be sent direct to the Collector, in order that he may take immediate steps for giving effect to the orders.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 20th August, 1846.

No. 30.

JUDICIAL DECISIONS BY SETTLEMENT OFFICERS.

No. 3519.

To G. F. Edmonstone, Esquire,

Register of the Sudder Dewanny Adawlut.

Dated the 21st August, 1846.

SIR,

JUDICIAL CIVIL.

The attention of the Lieutenant-Governor has been drawn to the following passage in a late decision of the Court of Sudder Dewanny Adawlut;—"No copy of either the Government letter, or of the instructions of the Board, having been filed in this Court, it is impossible for the Judges to know what those instructions were." The general principle involved in this declaration so nearly affects the administration of Civil justice, that the Lieutenant-Governor has desired me to invite the Court's further attention to the subject.

Case No. 14, of 1845, dated June 23d, 1846. Musst. Tilluk Kover, widow of Baldut Doobey, Appellant, *versus* The Collector of Jounpore and 153 others, Respondents.

2. In this case the Government, though nominally made a party to the suit, was excluded from all concern with it, the transaction which was brought under review being considered altogether judicial in its character. The Government in the Revenue Department had judicially exerted a power legally entrusted to it, in order to remedy what it considered a great wrong. The party, dissatisfied in this action, brought the subject in review before the Civil Court, and thus the case came to a hearing; being in fact a re-hearing in appeal. There is no doubt of the perfect legality of the course thus followed, and of the competency of the Court to come to any decision they might think fit on a case thus submitted to them.

3. At the same time, it is essential to the right administration of justice that the reviewing Court should have fully before them all the circumstances which influenced the Revenue Officers in the conclusion at which they arrived. In the present instance, however, it appears, from the declaration of the Court, that they were aware that discussions had taken place between the Government and the Officers in the Revenue Department acting under its orders, and also that these discussions were entirely of a judicial nature; but that the arguments which had been used were never brought to their notice, and that they consequently formed their own conclusions without any reference to the light which might have been thrown on the subject from that source.

4. The apparent reason for the absence of all knowledge of these discussions is that no copy of them had been filed in Court. This seems to imply that the Court consider themselves bound to reject any other information than that which the parties to the case place before them. But this is a rule to which there are evident and palpable exceptions. In cases of appeal, the Court always direct the original proceedings to be laid before them. In suits to contest awards by Collectors, of whatever nature, the Court are bound by Section 31, Regulation VII. of 1822 to send for the proceedings held on the summary enquiry. It would appear from passages in this decision that parts at least of the Collector's original proceedings had come under the review of the Court.

5. The Lieutenant-Governor is not aware of any sufficient

reason which debarred the Court from sending for all the revenue records likely to illustrate the case, whether the parties required their production or not.

6. The Court must be aware that in the practice of the Revenue Department much of the argument and matter, which influences judicial decisions, is contained in English correspondence. This must remain inaccessible to the parties, partly from the language in which it is conducted, and partly from the difficulty they would experience in finding a clue to the passages particularly bearing on their pleas. Considering the obstacles that must present themselves to parties who are desirous of bringing before the Court whatever may exist on the records of the Government in support of their claim, it would be unjust to refuse to notice all which they might fail thus to bring forward.

7. A reference to the considerations which induced the Legislature to vest the Revenue Department with this judicial power, and to the mode in which it is exercised, may place the matter in a stronger light.

8. The mass of correspondence printed* under the orders of the House of Commons, and the Hon'ble the Court of Directors, explains the circumstances which gave rise to Regulation VII. 1822, and the series of corresponding enactments on which this judicial power rests.

* See particularly paras. 67—140 of the resolution of Government, dated December 22d, 1820, printed and circulated at the time, and afterwards reprinted in the "Selection of Papers from the Records of the India House," Vol. III. p. 229 and seq.

9. In these provinces a course has been followed, from the first acquisition of the country, differing from that which prevailed in Bengal, Behar, and Orissa, at the time of the permanent settlement. There was not in these provinces any arbitrary recognition by law of the right of property in the land, as vesting in any particular class of persons. Government fixed its demand, and left the right of property to be determined in the best way that might be found practicable.

10. It was found that the Civil Courts, as then constituted, were incompetent to perform the function of fixing these rights of property. The insulated view of particular cases obtained in

Civil suits unavoidably led to much error and injustice. The Courts required rules for their guidance, which should be prescribed in laws, or in some other authoritative manner.

11. The rights of property in land, found to exist, were so diversified that no legislative definition of them could be made.

12. The plan was therefore devised of authorizing the Officers of the Revenue Department, acting under the orders of Government, to declare existing rights on some regular and uniform system. At the same time the liberty was left to any one to bring out his individual case from the mass, and to obtain a special consideration of it in the Civil Court, where he could place it in the light in which he wished it to be viewed.

13. The reasonableness of such a course of proceeding is evident; and the forms of procedure in the Civil Courts are well calculated for ensuring the regular investigation of such cases, and the prevention of errors likely to arise from the hasty and general mode of dealing with the subject, which the Officers in the Revenue Department could not do otherwise than adopt.

14. Such being the case, it is necessary for the purposes of justice that the Civil Courts should review such cases, as far as possible, with all the facts and arguments before them which influenced the Revenue Officers. It cannot be sufficient to come to a decision only on those arguments placed before them by the Plaintiff; and yet the latter must sometimes be the case, if the Court decline to examine the English correspondence bearing on the subject.

15. Such correspondence often refers to cases where considerations of justice and right are involved which the parties themselves imperfectly understand, and which it is impossible they should so present and argue upon as to carry conviction to a mind which is not conversant with the subject. It is needless to bring instances of these, but many might be adduced in which the British revenue system, acting on the indigenous native institutions, has produced rights which the natives of the country themselves imperfectly understand, but the examination of which is nevertheless essential to the attainment of justice.

16. The Regulations of Government do not profess to prescribe rules in such cases. The instructions of the Government

and of the Board of Revenue to the subordinate Revenue Officers ought to prescribe them. The Government or its organs frequently did prescribe such rules, sometimes perhaps erroneously. Sometimes it might be that the subordinate Officers erroneously applied the instructions to particular cases. These are questions for the consideration of the Courts, and there is of course no intention to restrict the free and independent exercise of the discretion vested in them.

17. But it is equitable to request the Courts to examine the cases in all their bearings, and with all the light which the records of the Government of whatever nature throw upon them. With this view every effort has been made so to arrange the records of the Revenue Department as to enable the Courts freely to obtain access to them, and to find the information of which they are in search. The Court have appeared to be sensible of the importance of this subject, and to have co-operated in its attainment.

18. The Lieutenant-Governor would now request the Court to consider how they can best provide for bringing before them the English correspondence in the Revenue Department bearing on judicial decisions by settlement Officers or Collectors, which come under review of the Civil Courts. The Lieutenant-Governor will be happy to give every assistance to the Courts in the accomplishment of an object, which appears to him essential to the consistent proceeding of the several functionaries to whom the decision of rights affecting landed property is committed by the legislature.

I am, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 21st August, 1846.

No. 31.

WORKS ON THE GANGES CANAL.

No. 3772.

To F. Currie, Esquire,
Secretary to the Government of India,
Home Department.
Dated the 3d September, 1846.

SIR,

REVENUE DEPARTMENT. I am directed to request that you will lay before the Right Hon'ble the Governor-General the accompanying copy of a letter from Major Baker, regarding the works on the Ganges Canal, proposing that certain artificers and materials for the construction of the Ganges Canal may be obtained from Europe.

2. The Lieutenant-Governor would recommend that this proposal be forwarded with as little delay as practicable to the Hon'ble the Court of Directors with a request that the assistance solicited by Major Baker may be furnished.

3. At the same time the Lieutenant-Governor observes that such a measure would pledge the Government to the vigorous prosecution of the work even more deeply than it is now pledged. To relinquish the work would now be difficult, but every step that may be made in advance renders the difficulty greater. The proposal therefore evidently rests on the assumption that the Supreme Government, after countenancing the slow progress of the work for some years, has made up its mind to the hearty and vigorous prosecution of it, so soon as the necessary materials can be collected.

4. If the undertaking had been merely one of display, or even of doubtful utility, it could not be recommended in the present state of the finances. But it is in fact an economical measure, necessary for the stability of the revenue, and therefore is the more deserving of consideration in proportion to the very pressure upon the finances, if only the money can be obtained. Providentially there has not lately been any great

calamity in the districts which will be affected by the Canal similar to that of 1837, which cost the Government a million sterling as well as the lives of thousands of its subjects; but such events may any day occur. Even in ordinary course, the State annually loses all the advantage which must arise from increased cultivation, greater wealth, and a denser population.

5. A famine in the Guntoor District in Madras, in 1833, occasioned a loss of revenue to the Government in that district alone, during the six subsequent years, of sixty-six lacs of rupees; whilst 2,56,806 men, 74,260 bullocks, 1,59,340 milch cattle, and 3,25,694 sheep and goats, were ascertained to have perished from the famine.* It is against calamities of this sort that some security is sought; and financial considerations become insignificant, when the liability to such visitations is contemplated.

* Vide report of Captain Best of the Engineers published in the Madras Journal.

6. The Committee for examining into the effects of Canal irrigation on the healthiness of the country, will continue its useful labours, and probably succeed in eliciting something which may throw light on the subject, and which may mitigate evils which undoubtedly have been felt to a certain degree in some places and under peculiar circumstances. But their report can have no effect in determining whether or no the Canal should be constructed, and further to await the completion of the report would only be unnecessarily to put off a decision which has already been long delayed.

7. The Lieutenant-Governor observes that the Right Hon'ble the Governor-General has now had ample opportunity of ascertaining, by personal enquiry and observation, the great advantages of Canal irrigation, and whilst his Lordship contemplates* extending its benefits to our new acquisitions on the Sutledge, he cannot hesitate to recognize the strong title to similar favour possessed by our old and valuable provinces that lie between the Ganges and the Jumna.

* Letter from Under-Secretary Government of India with the Governor-General Foreign Department, dated 15th June with enclosure.

I have the honor to be, &c.

J. Thornton,

Agra, the 3*d Sept.*, 1846. *Secretary to Govt., N. W. P.*

No. 32.

ABKARREE CHARGES AND COLLECTIONS IN THE N. W. P. FROM 1841-2 TO 1845-6.

To the Secretary to the Sudder Board of Revenue,
North Western Provinces, Agra.
Dated the 24th October, 1846.

SIR,

REVENUE DEPARTMENT.

I am directed to forward for the consideration of the Sudder Board of Revenue, the annexed extract (paras. 3 to 5) of a despatch from the Hon'ble the Court of Directors, No. 6 of 1846, dated June 17th, and also of a statement procured from the Accountant's Office, under date September 21st last, shewing the gross collections, the charges, and the nett collections in these provinces, for each of the years 1841-42, 1842-43, 1843-44, 1844-45 and 1845-46, immediately succeeding the period embraced in the Sudder Board of Revenue's printed Circular of June 17th, 1842, Table A. An abstract of this statement is given in the margin.

Years.	Gross Collections.	Charges.	Nett Collections.
Average of 4 years ending 1840-41, ...	10,82,769*	....	....
1841-42, ...	14,09,933	23,478	13,86,455
1842-43, ...	15,33,139	20,741	15,12,398
1843-44, ...	16,25,675	17,850	16,07,825
1844-45, ...	17,81,186	57,864	17,43,332
1845-46, ...	18,94,882	29,412	18,65,470

* Taken from Board's printed Table.

2. The Lieutenant-Governor remarks that the experience of the last five years throws much light upon the subject discussed by the Honorable Court.

3. The measures adopted by the Sudder Board of Revenue, of June 17th, 1842, have been followed by the steady increase in the collections, with a very small addition to the charges of collection.

4. This increase has extended throughout the provinces, greater in some parts of the country than in others, but still very perceptible in all.

5. The collections are at the present time higher than on any previous date, even when the Collectors of Land Revenue received a large commission on the receipts.

6. The collections remarkably follow the circumstances which are known to have affected the prosperity of the districts, falling under adverse, and rising under prosperous, circumstances.

7. Thus the famines of 1833 and 1837, both caused a decrease in the collections, heaviest in those districts which are known to have suffered most, and the recovery has been the most rapid where the seasons have since been most propitious, or the revenue measures most effectual. This is illustrated by comparing the three divisions of Allahabad, Agra, and Rohilcund, as in the margin.* Allahabad suffered very severely in the famine of 1833, and less so in that of 1837. It has passed the point it had reached before 1837, but not the highest point previously attained. Agra suffered in some degree in the famine of 1833, but severely in that of 1837; whilst Rohilcund scarcely felt the former, and suffered less from the latter. The collections in Rohilcund exceed what they were before 1837, or at any former time; those of Agra exceed somewhat the collections of 1836-37, but have not yet reached the highest limit they formerly attained.

* Divisions.	Highest Current Collections before 1836-37.	In 1836-37.	In 1837-38.	In 1845-46.
Allahabad,	4,25,765 in 1824-25	2,53,514	2,04,689	3,82,192
Agra, ...	2,04,613 in 1830-31	1,32,364	56,360	1,81,603
Rohilcund,	2,04,210 in 1830-31	1,28,721	73,642	2,40,168

8. It is natural hence to conclude that the collections keep pace with the increase of population and of prosperity, and that the public revenue is not much defrauded.

9. The Collectors of Land Revenue, by means of their strong establishments, and their intimate acquaintance with the resources of the country and the character of the people, are able to manage this branch of the public revenue at a very small cost.

In 1841-42,.......	1	10	7¾	per cent.
,, 1842-43,.......	1	5	7¾	,,
,, 1843-44,.......	1	2	6¾	,,
,, 1844-45,.......	2	2	0	,,
,, 1845-46,.......	1	8	10	,,

10. The Lieutenant-Governor is disposed to consider that it would be unnecessary and

inexpedient to adopt the plan pursued in some districts in Bengal, and by the introduction of a separate and very expensive agency to supersede that by which the department is at present very efficiently and economically administered. The entire absence of all Mofussil revenue establishments in Bengal rendered it necessary to adopt there a plan which is inapplicable to this part of the country.

11. The revenue which can be derived from the sale of opium must necessarily be small unless most vexatious measures are adopted. So long as the opium can be exported at the high price which it now bears in the Calcutta market, the Government must in some degree connive at smuggling near the places where the opium is grown, and must be content with the restrictions which the present rules impose on the consumption of a drug which is often noxious in its effects.

12. The Board are requested to take the subject again into their consideration, and to favour the Government with any remarks which may occur to them. It is peculiarly desirable to know with reference to para. 136 of their resolution of June 17th 1842, whether they have been able to arrive at any satisfactory conclusion as to the best mode of managing the department.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

No. 33.

JUDICIAL DECISIONS BY SETTLEMENT OFFICERS.

No. 1313 of 1846.

To the Secretary to Government, N. W. P.

Dated Agra, the 31*st August*, 1846.

SIR,

S. D. A. N. W. P.
Present
G. P. Thompson, C. R. Cartwright, Judges, and A. W. Begbie, Offg. Judge. Esquires.

I am instructed to acknowledge the receipt of your letter, No. 3519, dated 21st instant,* communicating the observations of the Honourable the Lieutenant-Governor on a certain passage which occurs in the Court's judgment on the appeal of Moosamut Tilluck Koonwur, widow of Baldut Doobey, Appellant, *versus* the Collector of Jounpore and 153 others, Respondents.

2. The Court deeming it unnecessary to follow His Honour through all the details into which he has entered, propose merely to advert to the suggestion contained in the 18th paragraph of your letter under acknowledgment.

3. The Court, being bound, in the administration of justice, to conform to the provisions of law, are unable to adopt His Honor's suggestions, which are opposed to the express terms of Sections 7 and 9, Regulation III. of 1803, Section 16, Regulation V. of 1803, and Clauses 3 and 4, Section 10, Regulation XXVI. of 1814. These enactments declare the principle by which the Civil Courts shall be guided in the reception of oral and documentary evidence; they clearly set forth that it is the duty of the Court only to record the points to be proved, and to receive from the parties concerned whatever evidence they may have to advance in proof or disproof of the same. In the instance under notice the Court "rejected" no evidence, either oral or documentary, that was legally tendered, and in the paragraph of their decision, to which His Honor refers, merely

* See above, page 202.

stated incidentally a fact, that had no direct or immediate connection with their judgment.

I have the honor to be, &c.

G. F. EDMONSTONE,

Register Sudder Dewanny Adawlut, N. W. P.

No. 4105.

To the Register,

Sudder Dewanny Adawlut,

North Western Provinces,

Dated the 22d September, 1846.

SIR,

JUDICIAL CIVIL. I am desired to acknowledge the receipt of your letter, dated the 31st ultimo, regarding the production in the Civil Courts of the English correspondence, bearing on cases decided by the revenue authorities under Regulation VII. 1822, to contest which regular suits may be brought.

2. The Lieutenant-Governor was aware that the Regulations, quoted in the 3d para. of your letter under reply, were held in ordinary Civil Suits to impose upon the judicial authorities the restrictions to which you allude. This is a question which may be reserved for separate consideration, and on which it is unnecessary at present to enter. But, as no reference is made in your letter to the provisions of Section 31, Regulation VII. of 1822, His Honor is desirous that the Court should again consider the effect of that enactment upon cases such as that which called forth my former communication, viz. those in which an appeal is preferred to a Civil Court, in the form of a regular suit, against a summary award of the revenue authorities.

3. As the law at present stands, the Government of the country exercises its judicial functions in certain cases through two classes of Courts, viz. those constituted under Regulation VII. 1822, in which the revenue authorities preside, and those

constituted under Regulation III. 1793, and the corresponding enactments in which the Civil Judges preside.

4. The former are bound by few laws of procedure. They decide summarily, and much of the matter which influences their decisions is contained in English correspondence, which may not be reduced to the form of a proceeding in the vernacular language.

5. The latter are bound to proceed according to stated forms, the intention of which of course is to enforce discovery of the whole facts of the case, and to bring the question submitted for the Court's decision to a fair issue.

6. The decisions summarily passed in the Revenue Courts are open to review in the Civil Courts. "Regular suits, which may be brought to contest such decisions, are of the nature of an appeal to a Court in its regular jurisdiction from a summary award," (Vide Clause 2, Section 23, Regulation VII. 1822.) In such cases it is ruled by Clause 1, Section 31, Regulation VII. 1822, that "the proceedings held on the summary enquiry shall be called for by precept from the Court, and filed on the record of the case."

7. The object of this provision evidently was that the Civil Court, in its regular jurisdiction, should have the case before it in the same way as the Court which passed the summary award, together with any additional circumstances which the litigant parties might bring forward in bar of the award. The fact that part of the revenue proceedings are in the form of English correspondence, and part in that of vernacular proceedings, only renders it the more necessary for the ends of justice, that the Court shall strictly require the production of all that bears on the case.

8. If the Court fail to attend to this provision in its full extent, the parties may fairly complain that important considerations affecting their rights, and which they have themselves no certain means of bringing forward, are kept concealed from the Judge. The legislature has armed the Courts with an important power of discovery, and if they fail to exercise this power, they neglect a function necessary to the proper administration of justice. The proceedings of the settlement Officers are fre-

quently guided by express instructions received beforehand from the Government, or the Sudder Board of Revenue. The grounds on which these instructions were given cannot be fully ascertained except by a perusal of the English correspondence.

9. The Lieutenant-Governor begs that the Court will favour him by again taking the subject into their consideration, in the light in which he has now placed it. His Honor is desirous to know not only whether the present laws authorize the contemplated course, but also whether the Court concur in the opinions which he has expressed on the general question; or if not, what objections, not of a merely technical nature, they would oppose to them.

I am, &c.
J. THORNTON,
Secretary to Government, N. W. P.

No. 1535 of 1846.

From G. F. Edmonstone, Esquire,
Register to the Court of Sudder Dewanny Adawlut,
North Western Provinces, Agra.
To John Thornton, Esquire,
Secretary to the Government in the N. W. P. Agra,
Dated Agra, the 7th October, 1846.

SIR,

S. D. A. N. W. P. *Present* G. P. Thompson, C. R. Cartwright, Judges, and A. W. Begbie, Offg. Judge, Esquires.

I am instructed by the Court to acknowledge the receipt of your letter, No. 4105, dated 22d ultimo, regarding the production in the Civil Courts of the English correspondence, bearing on cases decided under Regulation VII. of 1822, when regular suits may be brought to contest the awards of the revenue authorities, and in reply to submit as follows:—

2. The matter has received the careful consideration of all the Judges, who desire me to embody in the subjoined remarks, the substance of the minutes which they have severally recorded.

constituted under Regulation III. 1793, and the corresponding enactments in which the Civil Judges preside.

4. The former are bound by few laws of procedure. They decide summarily, and much of the matter which influences their decisions is contained in English correspondence, which may not be reduced to the form of a proceeding in the vernacular language.

5. The latter are bound to proceed according to stated forms, the intention of which of course is to enforce discovery of the whole facts of the case, and to bring the question submitted for the Court's decision to a fair issue.

6. The decisions summarily passed in the Revenue Courts are open to review in the Civil Courts. "Regular suits, which may be brought to contest such decisions, are of the nature of an appeal to a Court in its regular jurisdiction from a summary award," (Vide Clause 2, Section 23, Regulation VII. 1822.) In such cases it is ruled by Clause 1, Section 31, Regulation VII. 1822, that "the proceedings held on the summary enquiry shall be called for by precept from the Court, and filed on the record of the case."

7. The object of this provision evidently was that the Civil Court, in its regular jurisdiction, should have the case before it in the same way as the Court which passed the summary award, together with any additional circumstances which the litigant parties might bring forward in bar of the award. The fact that part of the revenue proceedings are in the form of English correspondence, and part in that of vernacular proceedings, only renders it the more necessary for the ends of justice, that the Court shall strictly require the production of all that bears on the case.

8. If the Court fail to attend to this provision in its full extent, the parties may fairly complain that important considerations affecting their rights, and which they have themselves no certain means of bringing forward, are kept concealed from the Judge. The legislature has armed the Courts with an important power of discovery, and if they fail to exercise this power, they neglect a function necessary to the proper administration of justice. The proceedings of the settlement Officers are fre-

quently guided by express instructions received beforehand from the Government, or the Sudder Board of Revenue. The grounds on which these instructions were given cannot be fully ascertained except by a perusal of the English correspondence.

9. The Lieutenant-Governor begs that the Court will favour him by again taking the subject into their consideration, in the light in which he has now placed it. His Honor is desirous to know not only whether the present laws authorize the contemplated course, but also whether the Court concur in the opinions which he has expressed on the general question; or if not, what objections, not of a merely technical nature, they would oppose to them.

I am, &c.
J. Thornton,
Secretary to Government, N. W. P.

No. 1535 of 1846.

From G. F. Edmonstone, Esquire,
Register to the Court of Sudder Dewanny Adawlut,
North Western Provinces, Agra.
To John Thornton, Esquire,
Secretary to the Government in the N. W. P. Agra,
Dated Agra, the 7th October, 1846.

Sir,

S. D. A. N. W. P.
Present
G. P. Thompson,
C. R. Cartwright,
Judges, and
A. W. Begbie, Offg. Judge,
Esquires.

I am instructed by the Court to acknowledge the receipt of your letter, No. 4105, dated 22d ultimo, regarding the production in the Civil Courts of the English correspondence, bearing on cases decided under Regulation VII. of 1822, when regular suits may be brought to contest the awards of the revenue authorities, and in reply to submit as follows:—

2. The matter has received the careful consideration of all the Judges, who desire me to embody in the subjoined remarks, the substance of the minutes which they have severally recorded.

3. The Court are unanimously of opinion that the terms of Section 31, Regulation VII. of 1822 do not bear out the view, entertained by the Hon'ble the Lieutenant-Governor, of the duty of the Civil Courts in the trial of cases, such as that which gave rise to this correspondence: those terms require that "the *proceedings held on the* SUMMARY ENQUIRY shall be called for by precept from the Court," and comprehend only the actual "proceedings" of the Collector or settlement Officer at the time of the "enquiry." The only question for the determination of the Civil Court in such cases is whether there is ground for impugning the correctness, or the justness, of the summary award, passed with reference, that is to say, to the pleas of both parties, and the evidence adduced by them in support of their respective allegations, before the Collector or Settlement Officer; and extra judicial papers, such as the English correspondence above alluded to, which form no part of the "proceedings" held on the summary enquiry, can in no way affect the merits of the case, when brought before the Court in the form of a regular Civil Suit, nor can they influence the determination of the question mentioned. The Civil Courts are neither required nor empowered, by the Section and Regulation above cited, to call for any other papers, either English or vernacular, than those filed with the record of the Collectors' or Settlement Officers' proceedings on the summary enquiry under notice, nor would they, in the opinion of the Court, be warranted in accommodating their judgment to the letter or the spirit of English correspondence, which may pass between the Officers of Government, (not in Court,) and with the particulars of which the parties, whose interests will be directly affected by the Court's decision, have small means of becoming acquainted, unless the substance of such correspondence be incorporated with the vernacular record of the proceedings, held by the Collector or Settlement Officer.

4. If, as observed by His Honor in the fourth paragraph of your letter, much of the matter, which influences the decisions of the revenue authorities, is contained in English correspondence, "it is incumbent on them to reduce it to the form of a proceeding in the vernacular language," for Clause 1, Section 14,

Regulation VII. of 1822, enacts that "Collectors making or revising settlements shall be competent to declare in an official proceeding to be incorporated in the Robukarree of settlement, the nature and extent of the interests, &c." * * * "Stating at length, with specification of any examination he may have taken for his satisfaction, *the grounds of his determination.*" Were this done, the Civil Court might be better able to judge of the propriety of the summary award, or were the correspondence which may have influenced the decision of the Collector or Settlement Officer, filed with the record of the proceedings held on the summary enquiry, it would form part of that record, and would, as such, be forwarded to the Court, when called for by precept. The object of the law may perhaps be rightly represented in the seventh paragraph of your letter, and the Court will endeavour to secure the fulfilment of that object by calling for the "proceedings held on the summary enquiry" by the Collector or settlement Officer, but they must be permitted to observe that, if those proceedings are imperfectly recorded, and if, in consequence "important considerations affecting the rights of the litigants are kept concealed from the Judge," the fault lies with the Collector or settlement Officer, and not with the Court in which his proceedings are about to be revised.

5. On the above grounds, the Court consider it beyond doubt that the law, in requiring the Courts to call for the proceedings held on the summary enquiry, never intended that any other proceedings should be produced on the formal judicial enquiry, than those recorded by the Collector or settlement Officer in the course of his summary investigation, and as the ground of his summary decision. Differing as to the construction of the law, the Court likewise dissent from the opinions expressed by His Honor on the general question; they deem it needless to enter into any lengthened discussion, seeing that, while the Regulation under consideration remains unmodified, the views of the Hon'ble the Lieutenant-Governor cannot be acted on. They will only observe that the Civil Courts, as at present constituted, cannot undertake to follow the practice indicated by His Honor. It is not their duty to advocate the

interests of either party, or to seek for evidence. It is not their duty to travel out of the record, by attempting to make "discoveries," which may be as prejudicial to the interests of the one, as beneficial to those of the other party. But they are bound to receive whatever evidence, oral or documentary, the parties may produce, and to judge accordingly. Any other practice would be as inexpedient, as it would be illegal; it would lead to the production of all kind of irrelevant matter, the consideration of which would needlessly occupy the time, and perplex the judgment of the judicial authorities; it would destroy the character of the Civil Courts as impartial tribunals; it would open the door to diffuse and discursive enquiry, quite foreign to the duty of a Civil Court, and equally incapable of being restricted within proper limits; it would, in short, entirely change the constitution of the Civil Courts, and their judicial practice; it would superadd to their proper legitimate functions the duties which now devolve on the litigant parties and their pleaders, and convert them into instruments for the furtherance of particular views, as set forth in correspondence between the Government and superior revenue authorities. The Court can see no reason why, now that the records of the revenue department have been so systematically arranged as to render them accessible to all the parties interested in suits before the Civil Courts should be unable to bring forward such portions of the record, whether English or vernacular, as may contribute to the formation of a right judgment. They must be supposed to possess a much more intimate acquaintance with the real merits of their cases than the Judge can have, and to know better than he can where information, likely to lead to a just appreciation of their claims, is to be found.

I have the honor to be, &c.

G. F. EDMONSTONE,

Register.

No. 34.

No. 4956.

To the Secretary,
Sudder Board of Revenue,
North Western Provinces, Agra,
Dated the 18th November, 1846.

SIR,

To, dated 21st August, 1846,	No.	3519
From, dated 31st .. ,,	,,	1313
To, dated 22d September, ,,	,,	4105
From, dated 7th October, ,,	,,	1535

I am desired to forward, for the consideration of the Sudder Board of Revenue, the accompanying copy of a correspondence with the Court of Sudder Dewanny Adawlut regarding the review by the Civil Courts of cases decided by Revenue Officers under Regulation VII. 1822, and the corresponding enactments.

2. For the clearer comprehension of the subject discussed, it seems better to recapitulate the points in which the Government and the Court agree, and that in which they differ.

3. The Court agree with the Government that the object of Clause 1, Section 31, Regulation VII. of 1822, is that the Civil Court in its regular jurisdiction should have the case before it in the same way as the Court which passed the summary award, together with any additional circumstances which the litigant parties may bring forward in bar of the award.

4. The Lieutenant-Governor concurs with the Court that it is incumbent on the Revenue Officer to reduce to the form of a Proceeding in the Vernacular language, any thing contained in the English correspondence which influences their decision, and that every document which is essential to a full understanding of the case should be filed on the record, and be open to the scrutiny of both parties.

5. The question on which the Lieutenant-Governor and the Court are at issue is this. Supposing the Court of Summary Jurisdiction, i. e. the Revenue Officer, to have failed in the duty imposed on him by the Regulations, and to have omitted to draw up a full proceeding embodying all that influenced his decision, whether or not the Civil Court could call on the Revenue authorities to supply the defect, consistently with the

provisions of existing Regulations, and with the maintenance of their character for impartiality and independent judgment. The Court are of opinion that they cannot, and this decision must, for the present, guide the proceedings of the other Judges.

6. It remains to be considered whether the object which seems to the Lieutenant-Governor of considerable importance, can be otherwise attained.

7. It is evident that, in many cases of this nature which must come before the Court, as in the one under consideration, the effect of the measures in the Revenue Department is to assert a right, supposed to be vested in a weak and ignorant individual, or body of individuals, against a powerful and intelligent antagonist. The former is naturally disposed to look to the Government authority, which has awarded to him his right, to support him in its exercise, and in reliance on that aid to relax his own efforts, even supposing him capable of fully appreciating all the circumstances of the case. The latter has a more accurate knowledge of all the peculiarities of his position, and can command the highest skill in the support of his interests. If, as in this case, the Revenue Officer neglects to make a full record of the grounds of his decision, he fails to perform his duty towards the parties, and betrays as it were the cause, which he has been led to consider the rightful one.

8. It is therefore of importance to the ends of justice that the Revenue authorities, whenever a call is made upon them under Clause 1, Section 31, Regulation VII. 1822, for the Proceedings in a case decided under that Regulation, should be careful that a complete record is sent of all that bears on the subject, as well as of the particular bundle of papers, which may happen nominally to form the misl in the Collector's records. It is to be regretted that the proceedings are sometimes so incomplete as it is known that they are, but several reasons may be urged in palliation of the omission. Each case that comes before a Collector does not stand simply on its own merits, but probably falls into a class of cases, or may be ruled on some known principle, which it is considered at the time superfluous to recapitulate. Press of business, sudden removal to another sphere of duty, and the numerous contingencies to

which all persons in India are exposed, frequently occasion the incomplete discharge of a duty, the importance of which does not at once appear.

9. The Lieutenant-Governor would therefore wish the Board to draft a Circular calling the attention of all Officers, engaged in judicial proceedings under Regulation VII. 1822, to the importance of recording in each case in the Vernacular language, all the grounds on which they base their opinions, and also of filing in the misl, copies of all orders of the Board or of Government which influenced their decision, with the arguments on which they rested.

10. Whenever also the Court may call for proceedings in the Revenue Department under the Clause above noted, the Collector should be careful himself to examine the case and to see that the return is complete, adding to it any documents which he may see to be wanting, or forwarding the Roobakarrees in other peculiar cases, where the arguments may be more fully set forth. If these have not before been translated into the Vernacular language, they should be so translated before transmission, for it is important that all which bears on the case should be as accessible as possible to all parties.

11. The judicial proceedings in the Revenue Department have now been so nearly brought to a close, that little opportunity remains for enforcing the precaution contained in para. 9, but the injunction in the following para. will need to be carefully observed in every Office. The Commissioners will use their utmost diligence to see that the duty is rightly performed.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 35.

No. 4957.

To G. A. Bushby, Esquire,
Secretary to the Government of India,
Home Department,
Legislative,
Fort William,
Dated the 18th November, 1846.

SIR,

JUDICIAL CIVIL. I am desired to request that you will lay before the President in Council the correspondence noted in the margin* regarding the practice of the regular Courts in reviewing the summary decisions of the Revenue authorities, passed under Regulation VII. 1822, Clause 3, Section 2, Regulation IX. of 1825, and Regulation IX. of 1833.

* To Sudder Dewanny Adawlut, dated 21st Aug. 1846, No. 3519
From ditto ditto, dated 31st ,, ,, ,, 1313
To ditto ditto, dated 22d Sept. ,, ,, 4105
From ditto ditto, dated 7th Oct. ,, ,, 1535
To Sudder Board of Revenue of this date.

2. The question immediately under consideration has been sufficiently disposed of, and the Lieutenant-Governor does not wish to make the present correspondence the ground work of any specific recommendation. The subject however so much affects the general administration of Civil justice in this country, that it has been thought advisable to lay it before the Supreme Government.

3. The Lieutenant-Governor is not aware how far the opinion of the Agra Court of Sudder Dewanny Adawalut, regarding their power of calling for documents, which are not placed before them by the parties, is correct and valid. The Regulations, considered by the Court as prohibitory of such a practice, might be construed differently, and it is not at once apparent why the perusal and consideration of an opinion, even when expressed by the Government, need deprive the Court of the power of impartial and independent judgment, which is essential to their very constitution. On the other hand, it appears to the Lieutenant-Governor

Sections 7 and 9, Regulation III. of 1803.
Section 16, Regulation V. of 1803.
Clauses 3 and 4, Section 10, Regulation XXVI. of 1814.

that there are many circumstances connected with the nature of the proceedings in the Revenue Department, and the position of the parties who are brought into Court in consequence of those proceedings, which render the occasional requisition of documents, which the parties have omitted to bring forward, not only expedient but necessary for the promotion of the ends of justice. The power of making such a requisition is one which the Court, with a due regard to their authority and dignity, should rather claim as a right than repudiate as one incompatible with their character for impartiality.

4. This is but one feature of a system, which has long been, and now is, in operation in these Provinces, and which requires mature consideration, if the extension of that system to other parts of the country should ever be contemplated.

5. The object of Regulation VII. of 1822, and its corresponding enactments, was a most important one. It was designed by that enactment to define all those rights and interests connected with landed property, which, from their vagueness and indefiniteness, had been previously the cause of much litigation and injury to property. In the Revenue Department, the Collectors, Commissioners, and Sudder Board of Revenue, acted under the directions of the Government, whilst every person who considered himself wronged by any of the proceedings was able to bring his case before a Civil Court.

6. Twenty-four years have passed since the enactment of this Regulation, and the primary proceedings in the Revenue Department are scarcely now brought to a close. When advertence is had to the difficulty and magnitude of the work, and the few fit agents who could be found for its execution, it is evident that all could not have been performed in an equally satisfactory manner. It was most necessary that a power should be granted to every individual, where interests were affected, to bring forward his particular case, and demand its examination, and a distinct decision on its merits, before a different tribunal.

7. But as it is, a discontented person, after failing to obtain his purpose in the series of appeals in the Revenue Department, is able within twelve years from the first decision to bring his suit in the Civil Court, and there to have the benefit of another

series of appeals. Something might be done to obviate the uncertainty arising from such a state of things, if the system should ever be hereafter extended.

8. The case out of which this correspondence has arisen is a rather curious illustration of the effects of the system as it is now administered. The Government many years ago saw reason to suspect that much injustice had been done to a large body of its subjects by an undefined grant of a tract of country to an influential native Officer in its own employ. After specially deputing an able Officer, (the late Mr. G. M. Bird) to make a local enquiry so far back as 1832, it was at length determined to remedy the defects of the first act by putting in force the provisions of Clause 3 Section 2 Regulation IX. 1825. The rights and interests of all persons connected with the estate were thus judicially examined and defined. The English correspondence shews that this was done with much deliberation, but the deciding Officer was remiss in not reducing the proceedings into the form of a regular judgment. The enquiry was prosecuted at a great expence to the Government, and at last a reduction of revenue was granted to put in a fair position the persons who were considered entitled to a restitution of their full rights. The Sudder Dewanny Adawlut have now decided that the whole of the proceedings were not only unnecessary but unjust, and have placed the original grantee in a better position than he was in before. The Government were no parties to the suit, and have no interest in contesting this award, for it is in every way favourable to them. They will obtain under it a higher Jumma than otherwise, and without the risk and difficulty that always attend the collection of small sums from many small and turbulent proprietors.

9. Now there can be no doubt that every person, who has been in any way concerned in this case, has been actuated by the most upright and conscientious motives. Still the result is discreditable to the system. If the decision of the Sudder is right, the party who is ultimately triumphant has been for a course of years exposed to needless vexation and injury, and hopes have been cherished in the opposite party, which are now altogether disappointed. Nor does it diminish the dissatisfaction

naturally attending this result, when the authority that thus finally overrules every other previous decision, not only disclaims having perfect cognizance of the grounds on which the former decisions were based, but holds itself precluded by law from requiring the production of those grounds, or examining them at all, as they had not been forced upon their notice by either of the parties.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 36.

RENT-FREE TENURES IN AJMERE.

No. 13 A.

To Lieutenant-Colonel J. Sutherland,

Commissioner of Ajmere,

Dated the 12th December, 1846.

SIR,

REVENUE DEPARTMENT, N. W. P.

The Lieutenant-Governor, having lately had an opportunity of examining Major Dixon's proceedings regarding the rent-free tenures in Ajmere, considers that the final settlement of this delicate question may be much facilitated by placing on record, the principles which should guide the decision of the Government Officers in more detail than has hitherto been done.

2. Major Dixon has prepared five lists of rent-free tenures.

The first contains the Jagheer village.

The second contains portions of villages belonging to religious endowments, which in their nature are perpetual.

The third contains portions of villages held by individuals, and proposed for confirmation in perpetuity on the ground either of the original grant, or of prescription.

The fourth, portions of land which may be resumed on the death of the present incumbents.

The fifth, lands proposed immediate resumption.

3. The Jagheer villages are mostly endowments to the Mahomedan shrines at Ajmere, or the Hindoo temples at Pohkur. Following as the British does upon the Mahomedan and Mahratta rules, it was to be expected that endowments of this sort, in a province held sacred alike by both parties, would be very numerous. The Mahrattas levied Fouzkhurch and other Ubwabs from the lands; but, as we have relinquished these, the exemption of the land from all liability to taxation has already been virtually recognized, and the villages 61½ in number, constituting thirty grants, will remain rent-free.

4. The three next classes of grants, viz. the portions of villages to be confirmed in perpetuity, or for life, may be considered together. They are very numerous, and there is every reason to believe that Major Dixon's proposals regarding them are most liberal and indulgent. The only question regarding them which calls for consideration is, that which affects their extent. It appears that very good Registers of these lands were formed both by Mr. Middleton and Mr. Cavendish. The registry of the latter was the most complete. It was formed on the showing of the parties. The extent of their lands was not only stated by the parties themselves, but the lands were pointed out, and a measurement of them made according to their showing, without any reference to the rights they actually possessed. This measurement was made according to the Shah Jehanee beegah of 1936 square English yards. The record of this measurement is complete, and there is no doubt of its perfect fairness and correctness.

5. It is understood that now some of the holdings are in excess of this measurement, whilst in others less land is in occupation of the parties, than was then measured on their showing. Some general rule is necessary for determining these cases.

6. When the land is in excess of what was measured in Mr. Cavendish's time, the surplus is certainly liable to resumption, unless the claimants can clearly prove a right under their grants to the whole which they now occupy, and error of former measurement.

7. When the land in their occupation is less than what is given by Mr. Cavendish's measurement, the unoccupied land should

be resumed, unless the claimants can prove under their sunnuds a right to a certain portion in excess of what is in their occupation. If the land which they claim under this rule is in the actual possession of others, they must also prove that they have been dispossessed of it within the period of twelve years.

8. When the extent of land in their occupation is the same as Mr. Cavendish's measurement gives, they may be held entitled to it on prescription without being required to prove their right to the whole.

9. A question may arise as to the meaning, which should be attached to the word occupation. Continual cultivation, especially of irrigated land, is the clearest proof of occupation. Land, which has never been cultivated or otherwise appropriated to his own use by the claimant, should be considered unoccupied. Doubtful cases should be judged with liberality.

10. Whenever under these rules the size of a holding is to be diminished, the claimant should be allowed to select his land.

11. The proposed resumptions are very few and of small extent. There seems no doubt of their propriety, and they may be immediately enforced. Into this class will fall any alienations of the Khalsah land, which may have been made by British Officers without due authority.

12. A copy of this letter will be furnished direct to Major Dixon, in order that he may carry out the orders at once, and submit his lists, as soon as they are completed through you for the information of the Government. As they pass through your hands, you will be good enough to examine them, and to favour the Lieutenant-Governor with any remarks upon them, that may occur to you.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 37.

TANKS IN AJMERE.

No. 32 A.

To Lieutenant-Colonel J. Sutherland,
Commissioner of Ajmere,
Dated the 29th December, 1846.

SIR,

REVENUE DEPARTMENT, N. W. P.

I am desired to acknowledge the receipt of your letter, dated November 6th last, regarding the works of irrigation in Ajmere, a reply to which has been purposely delayed till the Lieutenant-Governor had availed himself of the opportunity for examining these works which has been afforded during his late tour through the district.

2. His Honor is now enabled to speak with confidence of the great value of those works, and the honour which they reflect upon Major Dixon, who with much skill and industry has constructed a considerable number, of great magnitude and stability, in a very short time, and at a small expence. The effect on the villages themselves is most striking, and it is gratifying to perceive the general impulse which has been given to the example and exhortations of the Superintendent, not only to the Khalisah villages, but to the whole district, and even to the neighbouring foreign states.

3. The expenditure of 53,320 rupees on the completion of the works in question during the current year is sanctioned, subject to the confirmation of the Right Hon'ble the Governor-General. On the subject of these repairs, the Lieutenant-Governor desires me to remark that the works in question will for some time require constant superintendence. Until the earth has well settled down, and the whole become consolidated, and experience has shewn that no evil is likely to result from the new channels into which the water is thrown, the embankments must be constantly inspected, and repairs promptly and efficiently made. The cost of such repairs can be easily recovered, and will be very inconsiderable compared with the benefit which

the reservoirs produce. At all times indeed the embankments must be carefully looked after, for the prosperity of the district will always be dependent on their efficiency.

4. I am desired to take this opportunity of sending you a memorandum explanatory, in greater detail than has been hitherto practicable, of the kind of Memoir regarding these embankments, which the Lieutenant-Governor is desirous to procure from Major Dixon, in order that the system may be well understood, and introduced into other parts of the country. The means of drawing up this memoir are now provided, and it is hoped that it will be furnished before long.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 38.

REVENUE ADMINISTRATION IN AJMERE.

No. 35 A of 1846.

To Lieutenant-Colonel J. Sutherland,

Commissioner of Ajmere,

Dated the 29th December, 1846.

SIR,

REVENUE DEPARTMENT, N. W. P.

With reference to the correspondence noted in the margin,* I am now directed to communicate to you such observations as occur to the Hon'ble the Lieutenant Governor, regarding the revenue administration of Ajmere, consequent on his late tour through that district.

* From Commr. to Secy. Oct. 12th, 1844.
,, Secy. to Commr. ,, 26th, 1846.
,, Commr. to Secy. ,, 31st, 1846.
,, Commr. to Secy. ,, 30th, 1846. No. 77.
,, Secy. to Commr. Nov. 17th, 1846.
,, Commr. to Secy. ,, 12th, 1846, No. 85.

2. The land revenue in the Khalisah villages is at present collected Kham, i. e. from each individual cultivator in proportion to the extent of his cultivation, or the produce of his field

in the year. The payments are in money, and consist partly of fixed rates on the fields (zubtee), and partly of commutation for a fixed portion of the crop, as determined by estimate (Kun). The three tables annexed show the rates in each village. They are not uniform. There are no less than 6 rates, where a share of the crop is taken by estimate. These are noted in the margin,* and the fractions are there reduced to a common denomination to show their relative amount.

* 1st or largest share taken, . $\frac{2}{5} = \frac{48}{120}$
2d, ... $\frac{1}{3} = \frac{40}{120}$
3d $3\frac{1}{2}$, i. e. between $\frac{1}{3}$ and $\frac{1}{4} = \frac{35}{120}$
4th, ... $\frac{1}{4} = \frac{30}{120}$
5th, ... $\frac{1}{5} = \frac{24}{120}$
6th, ... $\frac{1}{6} = \frac{20}{120}$

3. It will be observed that $\frac{2}{5}$ is only demanded from certain classes whose lands are in full cultivation, and who have no claim to any particular favour. If the rate upon them be reduced to $\frac{1}{3}$, as proposed in your letter of October 12th, the whole scale must undergo a reduction, in order to keep it in accordance with the feelings and expectations of the people, and this will occasion a considerable sacrifice of revenue without any apparent object. There is good reason to believe that the rates in Ajmere are by no means higher than in any of the Rajpoot states, while much greater efforts are now being made by Major Dixon to supply the people with the means of irrigation, and to add to their prosperity than have been elsewhere attempted.

4. The Lieutenant-Governor is therefore decidedly of opinion that, so long as the Kham system of management is maintained, there should be no alteration in the scale of rates.

5. His Honor's opinion however of the expediency of returning, so soon as possible, to the system of village settlements has obtained the strongest confirmation since his visit to the district. Mr. Edmonstone's settlement failed partly no doubt from a succession of bad seasons, and defective appliances for lessening their evils by artificial irrigation. But the failure was also owing to the want of some definite rule for fixing the rights of each member of the community, and from a supposition that, when once the demand had been fixed at a moderate amount, the people might be left to themselves, without any further superintendence by the Collector than consisted in enforcing payment of the demand.

6. There is now every facility for the formation of village settlements in Ajmere. The Biswahdars have heritable and transferable rights in known portions of land; they fully recognize the principle of joint-responsibility; and their land, from the excellent means of irrigation which they now possess, has a higher and more uniform value than was formerly the case.

7. The present system of Kham management is open to many objections. It is impossible but that, in estimating the crops previous to fixing the value of the Government share, there should be much opening to fraud, peculation and oppression. Major Dixon, from his knowledge of the country, of the people, and of the agents through whom he acts, is able by unwearied industry and activity to reduce these evils to the lowest amount, and to carry on the system with advantage to the Government, and the least possible evil to the people. But a mode of administration which depends upon the experience and energies of one man is not fitted for general adoption. The system of village settlements is not only less laborious and less expensive than the Kham management, but it rests on sounder principles, and is calculated to give a higher and more permanent value to landed property. It would be better now to introduce this system under Major Dixon's superintendence, and to take advantage of his superior attainments to give it a good beginning, and put it in such train as may enable others to carry it on without much difficulty.

8. It may be true that Major Dixon may realize under Kham management a larger revenue than in any other mode, but even when tried by this test the advantage may be less than is at first supposed. The stimulus to improved and increased cultivation is less under Kham management than during the currency of long leases. In the latter case the full advantage of an unusually good season may be lost to the Government; but also the loss from a slightly unfavourable season may be less. Supposing the administration to be always equally efficient, the average receipts by Government in a course of years may be little less on the latter than on the former system, whilst the advantage to the people from long leases cannot fail to be very great.

9. So much has lately been done to methodize and explain the mode of forming village settlements, that Major Dixon will have no difficulty in giving effect to them. He is prepared to commence with those villages, which are in a state best fitted to take advantage of the benefits that are likely to follow, and it may safely be left to him to carry out the measures according to his discretion.

10. A revenue survey of both Ajmere and Mhairwarrah would be of the greatest benefit, and the Lieutenant-Governor has strong hopes of being soon able to organize such a survey. But in the meantime the settlement of the Khalisah villages need not be delayed. The steps to be pursued, and the several cautions which seem to be most requisite in the district of Ajmere, are detailed in the accompanying memorandum.

11. The Lieutenant-Governor has been glad to find that the state of the Istumrardars in Ajmere has been lately so much improved. He is disposed to attribute the increase of cultivation, and the more easy circumstances in which they are placed, more to the spirit infused into them by Major Dixon's example, exhortations, and considerate demeanour, than to any other cause. It is most desirable that this course of conduct be encouraged and supported to the utmost. It is impossible but that his exertions to save some of the Istumrardars from the embarrassments into which they have been plunged by their own improvidence, or the dishonesty of their advisers, should raise up opposition to his measures. All real complaints made by respectable persons should be immediately investigated, but groundless opposition should be discouraged.

12. The Superintendent, as guardian on the part of Government of the interests of all minors, possesses a fine opportunity for conferring substantial benefits on such as may come under his guardianship. So long as the family are ready to perform their duty towards the minor by carefully administering the estate, and bringing him up in a suitable manner, it is by no means desirable that the Superintendent should interfere. But he should consider it his duty to satisfy himself that this is the case, and he should be prepared to provide a remedy, when the necessity may be clear. The Lieutenant-Governor has been

glad to find, that the interests of the young Rajah of Shahporah are well guarded by his family during the minority, and hopes that the Superintendent will continue to encourage the manager of that estate to persevere in the course of improvement in which he is now engaged.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Lieutenant-Governor's Camp,
Mundasow, the 29th December, 1846.

Statement shewing the state of the shares of Kham Collections

Number.	Name of villages.	Share on Corn for. Chowdhury and Chowkarat.	Share on Corn for. Patail and Putwaree.	Share on Corn for. Bhoomiah.	Share on Corn for. Buneeah, Bramin, Biragee, &c.	Share on Corn for. Ryut.	Well land per Beegah. Chowdhury and Chowkarat.	Well land per Beegah. Patail.	Well land per Beegah. Bhoomiah.	Well land per Beegah. Buneeah, Bramin, &c.
							RS. A. P.	RS. A. P.	RS. A. P	RS. A. P.
	PURGUNNAH RAMSUR.									
1	Ramsur proper, ...	3½ d	3½ d	0	3d	$\frac{3}{5}$th or Pauchdo	2 0 0	2 0 0	2 4 0	2 4 0
	Moosha,....	3½ d	3½ d	0	3d	Ditto	2 0 0	2 12 0	0 0 0	2 4 0
	Deoleya and Buherun, ...	0	3d	3d	3d	Ditto	0 0 0	2 12 0	2 4 0	2 4 0
	Bhugwuntpoorah, ...	0	3½ d	3d	3d	Ditto	0 0 0	2 8 0	2 4 0	2 4 0
5	Uheran and Soela, ...	0	3d	3d	3d	Ditto	0 0 0	2 12 0	2 4 0	2 4 0
	Dubrelah,....................	0	3d	3d	3d	Ditto	0 0 0	2 4 0	2 4 0	2 4 0
	Sudapoor, Burole, Ringnote, Deegareya, Neepolee, Sanprodah, Telana, Sunode, Luhurwarrah, and Teharee,..................	0	3d	3d	3d	Ditto	0 0 0	2 12 0	2 4 0	2 4 0
	Chandolaee, ...	0	3d	3d	3d	Ditto	0 0 0	2 12 0 & 2 4 0	2 4 0	2 4 0
	Rampoora, ...	0	3d	3d	3d	Ditto	0 0 0	2 12 0	2 4 0	2 4 0
10	Hunwunta and Kurnpoora, ...	0	3d	3d	3d	Ditto	0 0 0	2 12 0	2 4 0	2 4 0
	PURGUNNAH SREENUGGUR.									
1	Sreenuggur proper, Hatheebatta, Jhelwarra and Rampoora,......	3½ d	3½ d	3d	3d	Ditto	2 0 0	2 0 0	0 0 0	2 10 0
	Pharkeya, ...	0	3d	3d	3d	Ditto	0 0 0	2 10 0	2 4 0	2 10 0
	Luvera Modee,..................	0	3d	3d	3d	Ditto	0 0 0	2 10 0	2 4 0	2 10 0
	Dhal, ...	0	3½ d	3d	3d	Ditto	0 0 0	2 10 0	2 4 0	2 4 0
	Gadheree, ...	0	3d	2	3	Ditto	0 0 0	2 10 0	2 4 0	2 4 0
	Jata Danta, ...	0	3½ d	3	3	Ditto	0 0 0	2 4 0	2 4 0	2 4 0
	Kanpoorah, ...	0	3d	3	3	Ditto	0 0 0	2 10 0	2 4 0	2 4 0

Ajmere Superintendent's Revenue Office,
The 20th November, 1846.

the Khalsah Villages collected at Ramsur.

Rain land per Beegah.										Indigo.		
Cotton and Indian Corn.					Kodow, Kangnee, &c.							
Chowdhury and Chowkarat.	Patail.	Bhoomiah.	Buneeah, Bramin, &c.	Ryut.	Chowdhury and Chowkarat.	Patail.	Bhoomiah.	Buneeah, Bramin, &c.	Ryut.	Khot or sowed last year.	Saonnoon or sowed present year.	Tobacco.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
1 4 0	1 4 0	2 4 0	1 6 0	1 12 0	0 12 0	1 12 0	0 0 0	1 6 0	1 4 0	1 12 0	0 14 0	4 0 0
1 4 0	1 12 0	0 0 0	1 6 0	1 12 0	0 0 0	0 0 0	0 0 0	1 6 0	1 4 0	0 14 0	0 0 0	4 0 0
0 0 0	1 12 0	2 4 0	1 6 0	1 12 0	0 0 0	1 12 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	2 4 0	1 6 0	1 12 0	0 0 0	1 8 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	2 4 0	1 6 0	1 12 0	0 0 0	1 8 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	2 4 0	1 6 0	1 12 0	0 0 0	1 6 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	2 4 0	1 6 0	1 12 0	0 0 0	1 12 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	2 4 0	1 6 0	1 12 0	0 0 0	1 6 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	1 6 0	1 6 0	1 12 0	0 0 0	1 12 0	1 6 0	1 6 0	1 4 0	0 14 0	0 14 0	4 0 0
0 0 0	1 12 0	1 6 0	1 6 0	1 12 0	0 0 0	1 4 0	1 0 0	1 0 0	1 4 0	1 12 0	0 14 0	4 0 0
1 4 0	1 4 0	0 0 0	1 12 0	1 12 0	1 12 0	1 12 0	0 0 0	0 0 0	1 4 0	0 0 0	0 0 0	3 2 0
0 0 0	1 12 0	1 12 0	0 0 0	1 12 0	0 0 0	1 4 0	1 0 0	0 0 0	1 4 0	0 0 0	0 0 0	4 0 0
0 0 0	1 12 0	1 12 0	0 0 0	1 12 0	0 0 0	1 4 0	1 0 0	0 0 0	1 4 0	0 0 0	0 0 0	4 0 0
0 0 0	1 12 0	1 12 0	0 0 0	1 12 0	0 0 0	1 4 0	1 0 0	0 0 0	1 4 0	0 0 0	0 0 0	4 0 0
0 0 0	1 12 0	1 12 0	0 0 0	1 12 0	0 0 0	1 0 0	0 12 0	1 0 0	1 0 0	0 0 0	0 0 0	4 0 0
0 0 0	1 6 0	1 6 0	1 6 0	1 12 0	0 0 0	1 12 0	0 12 0	0 12 0	1 0 0	0 0 0	0 0 0	4 0 0
0 0 0	1 6 0	1 6 0	1 6 0	1 12 0	0 0 0	1 0 0	0 12 0	0 12 0	1 0 0	0 0 0	0 0 0	4 0 0

C. G. DIXON,
Superintendent.

Statement shewing the state of the shares of Kham Collecti

Number.	Name of villages.	Share on produce every Corn for Khurreef and Rubbee harvest.		Well land per Beegah.			
				Cotton and Indian Corn.		Poppy.	
		For Patails.	For Ryuts.	Patail.	Ryut.	Patail.	Ryut
				RS. A. P	RS. A. P.	RS. A. P	RS. A. P.
1	Rajgurh proper, ...	3d & 3d½	⅖ths or Panchdo	2 0 0 2 4 0	2 8 0	2 0 0	2 8 0
	Kaklena and Nahurpoora,.......	3d½	Ditto	1 14 0	1 14 0	1 14 0	1 14 0
	Beethore, Myapoor, Bheempoora, Lucheepoora, and Punchmuta,	Panchdo	Ditto	1 14 0	1 14 0	1 14 0	1 14 0
	Rutunpore and Bareyah Syedullee, ...	5th	5th	1 8 0	1 8 0	1 8 0	1 8 0
5	Jethana, Surdhana, Tuheejee and Muckrerah, ...	3d½	Panchdo	2 0 0	3 0 0	2 0 0	3 0 0
	Khupree, ...	3d	3d	1 14 0	1 14 0	1 14 0	1 14 0
	Bareyeh Shamla, and Bareya Ujjagoojur, ...	4th	4th	1 14 0	1 14 0	1 14 0	1 14 0
	,, Sheopoora, ...	6th	5th	1 4 0	1 8 0	1 4 0	1 8 0
	Huthounddee, ...	3d	3d	2 8 0	2 8 0	2 8 0	2 8 0
10	Nagelao, ...	3d	Panchdo	2 8 0	2 8 0	2 8 0	2 8 0
	Brictawas and Unsuree,........	3d½	Ditto	2 2 0	2 10 0	2 2 0	2 10 0
	Bureyah Hindoo patail, ...	6th	6th	1 4 0	1 4 0	1 4 0	1 4 0
	Kesurpoorah, ...	3d½	Panchdo	2 0 0	2 4 0	2 0 0	2 4 0
	Domara and Nundla,...........	3d½	Ditto	2 0 0	2 8 0	2 0 0	2 8 0
15	Bhaonta including Bureyeh Nao,	3d½	Ditto	2 4 0	2 8 0	2 4 0	2 8 0
	Nooreyawas,...................	3d½	Ditto	2 4 0	2 4 0	2 4 0	2 4 0
	Dowlutghur,...................	3d½	Ditto	2 0 0	3 0 0	2 0 0	3 0 0
	Bareyeh Hurreepoorah, and Bareyeh Oma Goojur, ...	5th	5th	1 8 0	1 8 0	1 8 0	1 8 0
	Neanra,.......................	3d	Panchdo	2 8 0	2 8 0	2 8 0	2 8 0
20	Dauta Khera of Neanra, ...	3d	3d	2 0 0	2 0 0	2 0 0	2 0 0
	Bareyeh Mewagoojur and Bareyeh Gogagoojur, ...	4th	4th	1 12 0	1 12 0	1 12 0	1 12 0
	Dearathoo, Chat and Moteepoora, ...	3d½	Panchdo	2 12 0	3 0 0	5 8 0	6 0 0
	Dhola Danta Khera of Dearathoo, ...	4th	4th	2 4 0	2 4 0	4 8 0	4 8 0
	Jugpoora, ditto ditto, ...	4th	4th	1 14 0	1 14 0	4 8 0	4 8 0
25	Bulwunta,.....................	3d	Panchdo	2 12 0	2 12 0	2 12 0	2 12 0
	Kalesurah,....................	3d½	Ditto	2 4 0	2 8 0	2 4 0	2 8 0
	Urjoonpoorah, ...	Panchdo	Ditto	2 4 0	2 4 0	2 4 0	2 4 0
	Nathoothula,.......	3d½	3d	1 12 0	2 0 0	1 12 0	2 0 0
	Golah, ...	3d½	Panchdo	2 4 0	2 12 0	2 4 0	2 12 0
30	Bareyeh Nao of Nagelao, ...	6th	6th	1 4 0	1 4 0	1 4 0	1 4 0

Ajmere, Superintendent's Revenue Office,
The 20th November, 1846.

he Khalsah Villages of the Purgunnah of Rajghur.

Rain land per Beegah.				Waste land per Beegah.	New Cultivators and paee kasht or Cultivator resident to the other villages.	Remarks.
Cotton and ndian Corn.		Gowar.		Given half share more than the other Ryuts.	Given half share more than the other Ryuts.	
atail.	Ryut.	Patail.	Ryut.			
.A.P.	RS.A.P	RS.A.P.	RS.A.P.			
0 0	1 12 0	0 10 0	0 12 0	½ share more as above mentioned.	½ share more as above mentioned.	
15 0	0 15 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
15 0	0 15 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
12 0	0 12 0	0 8 0	0 8 0	ditto ditto	ditto ditto	
0 0	1 12 0	0 8 0	0 12 0	ditto ditto	ditto ditto	
15 0	0 15 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
15 0	0 15 0	0 8 0	0 8 0	ditto ditto	ditto ditto	
10 0	0 12 0	0 6 0	0 8 0	ditto ditto	ditto ditto	
4 0	1 4 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
12 0	1 12 0	0 12 0	0 12 0	ditto ditto	ditto ditto	
1 0	1 5 0	0 8 0	0 10 0	ditto ditto	ditto ditto	
10 0	0 10 0	0 6 0	0 6 0	ditto ditto	ditto ditto	
0 0	1 2 0	0 8 0	0 10 0	ditto ditto	ditto ditto	
0 0	1 4 0	0 10 0	0 12 0	ditto ditto	ditto ditto	
2 0	1 4 0	0 10 0	0 12 0	ditto ditto	ditto ditto	
6 0	1 6 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
0 0	1 12 0	0 8 0	0 12 0	ditto ditto	ditto ditto	
12 0	0 12 0	0 6 0	0 6 0	ditto ditto	ditto ditto	
4 0	1 4 0	0 12 0	0 12 0	ditto ditto	ditto ditto	
0 0	1 0 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
14 0	0 14 0	0 8 0	0 8 0	ditto ditto	ditto ditto	
12 0	1 12 0	0 14 0	0 14 0	ditto ditto	ditto ditto	
4 0	1 4 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
0 0	1 0 0	0 8 0	0 8 0	ditto ditto	ditto ditto	
12 0	1 12 0	0 12 0	0 12 0	ditto ditto	ditto ditto	
2 0	1 4 0	0 8 0	0 10 0	ditto ditto	ditto ditto	
2 0	1 2 0	0 10 0	0 10 0	ditto ditto	ditto ditto	
14 0	1 0 0	0 12 0	0 12 0	ditto ditto	ditto ditto	
2 0	1 12 0	0 12 0	0 12 0	ditto ditto	ditto ditto	
10 0	0 10 0	0 8 0	0 8 0	ditto ditto	ditto ditto	

C. G. DIXON,
Superintendent.

DUPLICATE

Statement shewing the state of the shares of Kham Collections in the Khalsah Villages of the Purgunnah of Ajmere.

Numbers	Names of villages.	Explanation of share on every corn for Kurreef and Rubbee harvest: Chowdhurry and Chowkerat.	Explanation of share: Patail, Bhoomiah, Rajpoot, Bunneea, Brahmin, &c.	Explanation of share: Ryut.	Well land per Beegah: Cotton, Indian Corn and Vegetables — Chowdhur-ry, &c.	Well land: Cotton, Indian Corn and Vegetables — Patail, &c	Well land: Cotton, Indian Corn and Vegetables — Ryut.	Well land: Roses — Patail, &c.	Well land: Roses — Ryut.	Well land: Sugar cane — Patail, &c.	Well land: Sugar cane — Ryut.	Well land: Tobacco — Patail, &c.	Well land: Tobacco — Ryut.	Rain land per Beegah: Cotton and Indian Corn — Patail, &c	Rain land: Cotton and Indian Corn — Ryut.	Rain land: Gowar — Patail, &c.	Rain land: Gowar — Ryut.	Remarks.
		d		2-5th or	RS. A. P	RS. A. P.	RS. A P.	RS. A. P.	RS. A. P.	RS. A P.	RS A. P.	RS. A P.	RS. A. P	RS. A. P.	RS. A. P	RS. A. P	RS A. P.	
1	Ajmere proper, ...	3½	3d	Panchdo	2 0 0	2 8 0	2 12 0	5 8 0	6 0 0	5 8 0	6 0 0	3 0 0	4 0 0	1 8 0	1 12 0	0 12 0	1 0 0	
	Burgaon and Nugree,............	0	3d	Ditto	0 0 0	2 12 0	3 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 8 0	1 12 0	0 0 0	0 0	
	Kotra and Seswa,.................	0	3d	Ditto	0 0 0	2 4 0	2 8 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 0 0	1 8 0	0 0 0	0 0	
	Ururka, Dhanee and Telorneya, ..	0	3d	Ditto	0 0 0	2 4 0	2 12 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 8 0	1 12 0	0 0 0	0 0	
5	Khanpoora, ...	0	3d	Ditto	0 0 0	2 4 0	2 8 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 0 0	1 4 0	0 0 0	0 0	
	Ghoogra, Makurwalee, Russoolpoora, Narelee, Chacheawas, Boolaicha, Hanseawas, Burla, Palran, Boodhale, Muhamee, Khodhan, Bhoohanee, Goodhagoreyams and Ukhree, ...	0	3d	Ditto	0 0 0	2 10 0	2 10 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 12 0	1 12 0	0 0 0	0 0	
	Sohagul, ...	0	3d	Ditto	0 0 0	2 6 0	2 10 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 12 0	2 0 0	0 0 0	0 0	
	Chatree,..........................	0	3d	Ditto	0 0 0	2 8 0	2 12 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 8 0	1 12 0	0 0 0	0 0	
	Gultee, ...	0	3d	Ditto	0 0 0	2 10 0	2 10 0	0 0 0	0 0 5	0 0 5	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0	
	Kanus, ...	0	3d	Ditto	0 0 0	2 8 0	2 8 0	0 0 0	0 0 4	0 0 4	0 0 0	0 0 0	0 0 0	1 10 0	1 10 0	0 0 0	0 0	
	Panselee, ...	0	3d	Ditto	0 0 0	2 10 0	2 10 0	0 0 0	0 0 4	8 0 5	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0	
	Soorujkoond, ...	0	3d	Ditto	0 0 0	2 6 0	2 10 0	0 0 0	0 0 4	8 0 5	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0	
	Jatlee, ...	0	3d	Ditto	0 0 0	2 4 0	2 10 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 8 0	1 12 0	0 0 0	0 0	
	Suranah, ...	0	3d	Ditto	0 0 0	2 12 0	3 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 8 0	1 12 0	0 0 0	0 0	
	Hosheearah, ...	0	3d	Ditto	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0	

Ajmere Superintendent's Revenue Office,
The 20th November, 1846.

C. G. DIXON,
Superintendent.

Suggestions for the Compilation of a Memoir of Ajmere embankments.

Select a few embankments as types of the whole, and describe those few minutely. The description should consist of a plan, section, and elevation,* on a large scale, with a correct representation of any natural rocks, which may support any part of the embankments. There should also be a map on a smaller scale compiled from actual survey, showing the high water mark of the Tulao, viz. that height at which it would discharge itself. This map should include the overfall escape, and should represent the position of the cultivation in front as well as in rear. If the Tulao be not full, the natives will readily point out the high-water mark, and their indications can be verified by levels taken from the surface of the overfall escape. The map should be formed from actual survey, a circuit of the Tulao being made with a Theodolite and chain, and offsets taken to the high-water mark. The map should show the survey stations and lines as well as the natural outline, and the field-book should be preserved. If a sketch in perspective can be added, it will assist in forming an idea of the place. In such case the point whence the view is taken, should be marked in the map, so that the whole series of illustrations of the work may support each other.

* The elevation should show the masonry front, supposing the Tulao to be dry, with a blue line shewing the high-water mark.

The following embankments seem to me good specimens of those which I have seen, and might be selected for minute description.

I. SREENUGGUR.—This shows how a gorge in a mountainous country can be stopped up,—the water being raised to such a height as to throw the escape to a distant part of the valley away from the work. The map would here show the old work on the extreme right, which would never hold water before, but which now benefits largely from the new embankment. Give the history of the embankment contemplated for a long time by former Governments, begun and completed by Major D. when, how long. Note change in plan, by which the escape was thrown to a distant place. The map should show how the irri-

gation is carried out by channels led off at different levels, so as to reach different elevations and distances. For this purpose it should comprise all the gorge, in which the different channels should be laid down, and coloured according as they are cutcha or pucka. They should also be numbered, and a cross section made at any convenient place in which each channel should bear a corresponding number; some illustration and separate diagrams showing how the graduated sluices are worked would be useful.

II. DURATHOO.—Show how the water may be raised, so as to render it necessary to embank a second valley;—both works resting on rocks,—masonry front with earthen embankments;—overfall escapes at both extremities connected with the embankments. The water falling over the escape is liable to cut in the rear of the embankments, the precautions against which should be explained. Explain accidents of 1846, and other history of embankment, how it was made larger than first intended, the benefits to cantonments, &c.

NOTE.—The Mohomee embankment has a masonry wall, as a fender to throw off the escaping water clear of the rear of the embankment. Some such device may be eventually necessary at Durathoo.

III. LOHURWARRA EMBANKMENT.—A long low work constructed in the plains with contiguous overfall. The map should embrace the weir for throwing the water of the nullah into the embankment, and the cut from the weir to the embankment. Let a plan, section, and elevation of the weir be also given, with the experience of its working.

These will be sufficient as specimens of the work; but add—

IV. A map on a scale, say of one mile to the inch, of any convenient basin of drainage. Take for instance the tract of country from Rajgurh and Rajousee to where the two nullahs unite below Chat and Lohurwarra, including an area marked on the map of about twelve miles by ten. Insert on this map according to scale all the works for irrigation which there may be; pucka embankments, weirs, zemindaree narrees, and if possible all the wells, distinguishing cultivated and culturable land from barren waste. This will show how all the water is economised, and will connect the cultivation with the embankments. The village boundaries should be put in, and the Khalisah dis-

tinguished from the Jagheer or Istumraree villages. The water-shed line, bounding the basin, should be the limit of the map.

To all this add a list of the embankments, with a brief description of the work, rates of building, cost of construction, &c. &c. Each should be referred to one of the three described in detail, as being of a similar kind, only differing in specified particulars.

A memoir of this kind will completely describe the system, and enable persons at a distance to imitate it.

Camp Bailean, December 14th, 1846.

No. 39.

ADMINISTRATION OF MHAIRWARRAH.

No. 36 A.

To F. Currie, Esquire,

Secretary to Government of India,

With the Governor-General,

Dated the 30*th December,* 1846.

SIR,

JUDICIAL DEPARTMENT, CIVIL.

I am desired now to acknowledge the receipt of your letter, dated October 26th last, regarding the transfer of the Mhairwarrah districts to this Government.

2. The Lieutenant-Governor has had the advantage of passing through a large portion of this district. During the whole of this time, Major Dixon was in his camp, and during the greater part he had the benefit of Colonel Sutherland's presence and advice. At the same time he held the freest communication with all classes of the people; and enjoyed every facility for forming as correct opinion on their state, as it is possible to have during a passage through the country necessarily short in its duration.

3. Mhairwarrah consists of three parts, one of which belongs to Ajmere, one to Meywar, and one to Marwar. They are considerably intermixed; the British Purgunnah of Bhailean lying far south, and being surrounded on all sides by Meywar and Marwar Mhairwarrah. But this territorial division does not at

all affect the character of the people. They are a distinct race from the *Jeypoories*, held together by the strong ties of a common origin and a distinct organization. The Mairats are nominally Mahomedans, and the Mairs nominally Hindoos, but they intermarry, and possess none of the bigotry, and little of the superstitions, of the two creeds. They hold the people of the plains, and especially the Rajpoots, in contempt and hatred. The Rajpoots were never able to obtain a firm footing in their country. Whatever small revenue they could get from the country was obtained at a cost, both of life and of money, far exceeding its value. The Mairs were constantly making forays into the plains; and the history of all the neighbouring Rajpoot chiefs, Nussooda, Khurera, Bednoor, Tall, Deogurh, bears ample testimony to the ferocity with which these forays were conducted.

4. The British arms first completed their subjugation. But Meywar and Marwar were quite unable to manage their portions of the country. The Mairs broke out into rebellion, massacred some of the Police Officers stationed amongst them; and it became necessary for our Government, by a fresh exertion of its Military force, and with some difficulty, again to bring them into subjection in 1820. An arrangement was then made by which Marwar and Meywar made over to us the management of their portions of Mhairwarrah. The terms on which this transfer was effected, differed considerably.

5. Marwar made over to us twenty villages, of small value, and little capable of improvement. They yielded, in 1824-25, a land revenue of 6,966 rupees; and, in 1845-46, the land revenue was no more than 6,871 rupees. From 1835-36 to 1842-43, we held seven other villages, which promised to yield a considerable sum. Since these have been given back, they have fallen much into decay, and are again becoming troublesome. The Raj was to pay 15,000 company's rupees contribution to the support of the Mhairwarrah Battalion over and above the expences of the Civil administration of the country. The result has been a yearly excess of expenditure above income, and the Raj is now in our debt on this account no less a sum than rupees 1,85,872 up to the end of 1845-46. It is not apparent

on what ground the undeniable right of the British Government to this sum is waived. Meywar made over to our management seventy-six villages, on the understanding that a payment of 20,000 Chittoree rupees (about 16,000 company's rupees) was to cover her share of the Mhairwarrah Battalion, and all the current expences of the Civil administration. These villages yielded in 1823-24, 34,607 Chittoree rupees, land revenue, and now give 91,114 Chittoree rupees, with the prospect of considerable increase. The surplus revenue is appropriated to the support of the Meywar Bheel Corps.

6. The transfer of neither portion of Mhairwarrah is permanent. The transfer by Marwar has been renewed since for eight years each, and latterly in 1843 for three years; and by Meywar first without limitation, then in 1832 for eight years. On the formation of the Meywar Bheel Corps in 1840, the surplus revenue was set aside for the Meywar share of the Bheel Corps. The renewed transfer has been, nominally at least, the subject of negociation.

7. It is unnecessary to detail now the steps, by which, under British management, these wild and ferocious Mairs have been formed into a peaceable and industrious race of cultivators. It is difficult for a stranger to understand the change which has taken place. Rich cultivation and prosperous villages have been substituted for heavy jungle; industry and affluence have succeeded to rapine and poverty. Lieutenant-Colonel Hall commenced this noble undertaking. Major Dixon has carried it on, and is still engaged upon it. The latter has known the country from our first connexion with it. He bore a prominent part in the Military operations, which were necessary for its subjugation; and he has now for many years laboured with unremitting industry, to attach the people to him by justice, moderation, and kindness; and in this noble work he has been eminently successful. The several means by which this end has been effected would form a most interesting and useful narrative;—Major Dixon is engaged in the compilation of such a narrative, and no one is better able to complete it. The prospect of obtaining it renders further remark unnecessary.

8. Every thing which the Lieutenant-Governor has seen,

tends to confirm the opinion regarding the future management of Mhairwarrah, which is contained in my letter of September 23d last. There is yet much that may be done for the improvement of the social condition of the Mairs. This is an object to the furtherance of which the Lieutenant-Governor would gladly devote his attention; but he could only do this with satisfaction on the understanding that the people were never to be removed from the protection of the British Government, except under circumstances independent of the will of their own native sovereigns.

9. It may indeed be a question whether the British Government would be justified in now withdrawing its protection. Under the native Governments no limit to the demand of the state exists, but the power of the one party to exact, and the ability of the other to resist. If, by mild and conciliatory measures, the Mairs have been reduced from a state of wild ferocity to one of civilization and industry, it would amount almost to a breach of faith to give them over, in their present comparatively helpless condition, to be plundered by persons whom they hate.

10. The probable result of their transfer would be their impoverishment, the diminution of their cultivation, and their more or less rapid demoralization, till they resume their old habits of plunder, and become such a source of uneasiness to their neighbours and disquietude to the country at large, as to render our interposition again necessary. But it could not then be rendered with the same effect as now. The remembrance would be fresh of what would appear to the people a betrayal of their interests. They would be slow to adopt habits, and to follow suggestions, which at some future time would only make them the better objects of plunder.

11. Nor could the Meywar and Marwar portions of the country become disorganized without materially affecting the tranquillity of the Ajmere portion. The people are one; the lands are intermixed; they sympathize with each other, and would make common cause to revenge aggression or wrong suffered by any members of their body.

12. Lieutenant-Colonel Sutherland is of opinion that there is no objection to give up the country, so long as the Mhair-

warrah Battalion is maintained as at present. This would be the most satisfactory footing on which to place the management of the country by the British Government. The Mhairwarrah Battalion is in itself an efficient body of 765 men. It is valuable not only as training the people to habits of subordination and obedience, but also as placing at the disposal of Government a body of disciplined men strongly attached to us, and with interests different from those of the surrounding countries. The Battalion formed part of the force that marched against Joudpore in 1839, and has, on several occasions, performed good service in preserving the peace of the country.

13. It only remains to consider the subject in a financial point of view.

Ajmere Mhairwarrah, Co.'s Rs.	82,012
Meywar ditto (94,960 Ch. Rs.)	75,968
Marwar ditto, ...	7,228
Co.'s Rs. ..	1,65,208

14. The income (land revenue and customs) from Mhairwarrah, during the last year of 1845-46 was a fair average, and is shewn in the margin. Of this we may place on the credit side of the account, the whole of the receipts from Ajmere Mhairwarrah, 15,000 Co.'s Rs. on account of Marwar, and 16,000 Co.'s Rs. on account of Meywar. On the debit side we may place the whole of the Civil Establishments exclusive of those entertained on account of Marwar, and the whole cost of the Mhairwarrah Battalion. This leaves a debit against the district of 3,551. But it is scarcely fair to consider the Battalion as a debit against Mhairwarrah alone. It forms a part of the Nusseerabad Brigade, and is employed largely on Civil duties in Ajmere, and in furnishing escorts when they may be required. It must also be remembered that the district is still rapidly improving, and that the receipts are soon likely to be much larger than they were in 1845-46. It is very certain that the district if rightly managed can never on the present footing be a burthen on the Government. It

Receipts in 1845-46.	
Ajmere Mhairwarrah, ... Rs.	82,012
Contribution from Meywar, ..	16,000
Ditto from Marwar, ...	15,000
Rupees, ...	1,13,012

Disbursements in 1845-46.	
Civil Establishment, British and Meywar, ...	28,995
Mhairwarrah Battalion,......	87,568
	1,16,563
Deduct receipts, ...	1,13,012
Excess disbursements,	3,551

may be a source of some revenue. But far above all financial considerations is the advantage and glory of winning over to habits of industry and good order a race of plunderers, who used to be the pest of the country.

15. The Lieutenant-Governor believes that he has now placed before the Right Hon'ble the Governor-General all that is essential to the formation of a correct opinion on the best mode of hereafter managing Mhairwarrah. The duty of still further developing the industry and the resources of the district will be a most interesting one, and the steps by which so desirable an end can be accomplished are clear, and have been already arranged with Major Dixon. But it would be dishonest to enter upon any further course of improvement without being able to hold out to the people the certain prospect that the hopes now raised will be made good, and that the faith now pledged will be rigidly observed. This can only be done by keeping in our own hands the administration of the country till the neighbouring states have attained Governments which hold out better hopes of just and liberal rule than is at present the case.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

No. 40.

SALES OF UNDIVIDED PUTTEES IN ALLYGURH.

No. 600 of 1847.

To A. Shakespear, Esquire,

Officiating Secretary Sudder Board of Revenue,

North Western Provinces, Agra.

Dated Lieutenant-Governor's Camp,

The 8th February, 1847.

Sir,

Revenue Department. I am directed to acknowledge the receipt of Mr. Barnes' letter, No. 595 of the 11th Decem-

ber last, communicating observations respecting the sales of lands effected in Zillah Allygurh during the year 1844.

2. The Lieutenant-Governor is glad of any opportunity for discussing the principles on which the revenue administration of these provinces should rest, and has carefully considered the points noticed in the senior member's letter of December 11th last.

3. The joint responsibility of all members of the village community to the Government, for the sum assessed upon the Mehal, is the characteristic of the Mouzawar system of settlement in these provinces, and in Bengal. This is a principle familiar to the people, embodied in the early regulations, and confirmed and maintained in Act I. 1841.

4. Till the passing of Act I. 1841, the proprietors of a joint undivided estate could only be proceeded against in their corporate capacity. The sale of an undivided portion of a joint estate was illegal. Such is now the state of things in the Lower Provinces, or wherever the provisions of Act. I. 1841 are inapplicable.

5. The passing of Act I. 1841, conferred on the Officers of Government an option in certain cases of proceeding severally against the person or property of each member of the community, as well as against the Mehal belonging to all the members jointly. It prescribed neither one course nor the other, but it confirmed the principle of joint responsibility, and left the Government at liberty to take out process against each member severally.

6. Under this law a practice had arisen, which tended virtually to dissolve the joint responsibility without the observance of those precautions which are enjoined in the laws regarding the partition of estates (Butwarrahs), and which are essential to the security of the rights of Government. This practice was by no means a necessary result of the power conferred by Act I. 1841. The liability to it had been foreseen and guarded against by the Board themselves, when they issued the orders of July 6th, 1846. But the caution had been lost sight of. It was revived and enforced by the orders of Government, dated March 28th, 1844, No. 1155, which orders were afterwards truly

explained by the subsequent orders of November 23d, 1844, as leaving untouched the option allowed by Act I. 1841. There does not appear to be any contradiction here. The caution against a particular abuse, arising out of a rule, by no means impedes the right application of the rule.

7. The senior member desires a rule to be laid down for determining in what cases public Officers should refrain from holding the entire community jointly responsible for the default of some of their members.

8. On this point it may be observed that the enforcement of a balance must ever remain a question of expediency. It is just to enforce payment of the balance in any of the modes authorized by law; it is unwise so to enforce it as to discourage honest exertion, and injure the resources of the country. What is true regarding the general question of enforcing payment is true also regarding the particular question of enforcing payment by one of many optional processes. If the sale of an estate for a balance due from the whole body of proprietors will throw the estate out of cultivation, and lead to the discouragement of the owners of other estates, the sale should not be attempted. In the same manner, if it will ruin the community, and have a bad effect on the exertions of the neighbouring proprietors, to hold the entire body responsible for the default of some of their members, the community ought not to be so pressed.

9. The senior member is of opinion that a rule for limiting the enforcement of the principle of joint responsibility is to be found in para. 24th of the Board's letter of June 26th, 1846, where it is laid down in the following terms;—"The Board would abstain from enforcing the principle of general (joint) responsibility, whenever there is reason to believe that the solvent shareholders are too poor to pay what is due, and to engage for the future revenue of the Puttee in arrear, or are ignorant of the responsibility they have incurred."

10. It may be objected to this rule that it leaves the course to be followed almost as indefinite as if no such rule were prescribed. Poverty and ignorance are difficult of appreciation, and uncertain in their degree. Different persons would come to very opposite conclusions on the same premises. The Officer

who is desirous to be relieved of the trouble and responsibility of deciding for himself, would only be driven from one class of doubts and perplexities to another.

11. It may further be objected that poverty is sometimes the result of idleness or of crime, and that the ignorance is sometimes such as to incapacitate from the management of an estate. In such cases, the poverty and ignorance may be clearly proved, and yet may constitute in themselves the very reason why it is right to hold the entire community responsible, as a warning to others, and as a stimulus to better exertion on the part of other neighbouring communities.

12. The proposed rule does not therefore appear to be one, which can be safely adopted.

13. The following points however may be considered as determined.

First.—That the Government possess the option of proceeding against the person and property of the individual proprietor, or against the joint undivided Mehal of the whole community.

Secondly.—That process should not be so pressed against the property of an individual defaulter, or of a body of defaulters, as materially to weaken or destroy the joint responsibility of the whole community, without the observance of all those precautions which are enjoined in the case of partitions (Butwarrahs).

Thirdly.—That an attempt should not be made to enforce payment of a balance by the whole community either in the first instance or in the last resort, when such a proceeding will injure the resources of the State, and deter others from exertion.

14. It does not occur to the Lieutenant-Governor that more precise rules than the above can be prescribed.

15. In paras. 5 to 8 the Senior Member has alluded to the case of Mouzah Khansoree, Pergunnah Sukeet in Putteeallee as illustrating his views on the subject under discussion, but the particulars which are stated do not bear out the assertion, that the enforcement of the principle of joint responsibility will be productive of injustice.

16. It appears that the Collector wished primarily to hold all the shares jointly responsible. Such a course was certainly legal; it may have been the just and only proper method of

dealing with the case. The Commissioner and the Board were of opinion that he should proceed first against the individual defaulter; and for this also there may have been very good and sufficient reasons. Sale may follow, and the joint responsibility remain untouched. But if no purchaser be found, the reasons have yet to be stated which would render it advisable for the Government to purchase the Puttee, or which prove the injustice of holding all the sharers ultimately to their joint responsibility. These reasons, whatever they may be, the Lieutenant-Governor is quite prepared to take into his consideration whenever the necessity arises. As the matter is now stated, the case does not seem to prove anything.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 41.

TEA CULTIVATION.

No. 977.

To W. Jameson, Esquire,

Superintendent, Government Botanical Gardens, N. W. P.

Lieutenant Governor's Camp,

27th February, 18

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter, dated February 17th, regarding the measures you propose for increasing the experimental cultivation of tea in the hill province.

2. The Lieutenant-Governor understands your proposals to be as follows :—

3. *First*, that the establishments at the Government plantations be raised as below.

	Present.	Proposed.		
Paoree, ...	....	1 European Overseer, ...	100	
		1 Moonshee, ...	10	
		3 Chowdrees, ...	24	
		3 Assistant ditto, ...	21	
		64 Malees, ...	256	
				411
Deyrah Dhoon, ...	....	1 European Overseer, ...	100	
		1 Moonshee, ...	10	
		4 Chowdrees, ...	32	
		4 Assistant ditto, ...	28	
		128 Malees, ...	512	
				682
Bheemtal in Kumaon, ...	....	1 European Overseer, ...	100	
		1 Moonshee, ...	10	
		3 Chowdrees, ...	24	
		3 Assistant ditto, ...	21	
		64 Malees, ...	256	
				411
Hawalbagh, ...	....	Same as above, ...		411
Total per mensem, ..	*399			1,915
Total per annum, ..	4,788			22,980

* You are requested to furnish a note of the present expenditure at each of the 4 stations, amounting in the aggregate to this sum, which is taken from para. 7 of your letter under reply.

4. *Secondly*, that the extent of land at the plantations be increased as follows:—

	Present Cultivation.	*Proposed Cultivation.*
Paoree, ...	8	200
Deyrah Dhoon, ...	8	400
Bheemtal, ...	110	200
Hawalbagh, ...	40	200
	166 acres.	1,000 acres.

This will involve the renting of 834 acres of land more than at present, which at three rupees per acre will be 2,502 rupees per annum more than at present.

5. *Thirdly*, that a tea-manufactory be erected at Deyrah Dhoon, and houses for the European Overseers and Chinese manufacturers at Paoree, Deyrah Dhoon, and Bheemtal (or Now-

koochia Tal). The cost of these buildings is not mentioned, nor is it said by whom they will be constructed.

6. *Fourthly*, that the pay of the six Chinese tea manufacturers, who will go to Deyrah Dhoon and Paoree, be raised seven rupees each, on condition of their binding themselves to serve for three years more at each of those places. The annual increase on this account will be (6 × 7 × 12 = 504 rupees).

7. *Fifthly*, that an assistant sheet-lead maker be entertained on eight rupees per mensem or ninety-six per annum.

8. The increased annual expenditure on these accounts will be

Increased establishment, ... Rs.	18,192
Rent of 834 acres of land estimated to be,....	2,502
Increased pay to tea manufacturers, ...	504
Assistant Sheet Lead Maker, ...	96
Total per annum,....	21,294

This is, exclusive of the cost of buildings and the heavy charges for manufacturing, &c. which are included in the contingent bills.

9. As it is evidently the wish of the Hon'ble the Court of Directors that the experiment should be conducted on the most liberal scale, the Lieutenant-Governor is pleased to sanction your proposal as to the extent of operations to be ultimately reached. It is evident however that some time must elapse before you can employ to advantage so large an establishment as you propose. You will be careful not to extend your establishment, till you have the means of fully and profitably employing them.

10. You will be pleased to submit for sanction for each month, that you may entertain a portion of the establishment now sanctioned, a statement shewing its extent and cost, and the date on which it will become chargeable. The increase thus once sanctioned will be subsequently passed by the Civil Auditor as part of your fixed establishment.

11. You will be pleased to make the entertainment of the three European Overseers conditional on the confirmation of Government, and, in nominating them, you will be careful to mention their age, qualifications and former services.

12. The Lieutenant-Governor trusts that the cordial support

thus granted to the experiment which you are conducting, will be met by corresponding exertions on your part to merit the confidence which is reposed in you. The Lieutenant-Governor's chief fear is that you will not find yourself able adequately to control such extensive operations, consistently with the other duties which are entrusted to you. Your attention will be particularly directed to keeping the accounts in a regular form, and punctually made up. A special person as an accountant and writer will be given you for this purpose, on such salary as you may find necessary.

13. The Lieutenant-Governor considers it unnecessary to urge upon you the importance of observing the strictest economy in all your proceedings. You must be aware that the success of the experiment will be in a considerable degree tested by its economical result.

14. It is most desirable to obtain a correct account of the disbursements and receipts on account of the tea experimental plantations, from their commencement to the latest practicable date, showing the items in each year and under suitable heads. You will be pleased to prepare such an account, communicating if necessary for the purpose with the accountant.

15. The accountant at Agra will be instructed to grant you all needful assistance both in the compilation of your past accounts, and as to the best method of keeping them in future.

I have, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 42.

GRAND TRUNK ROAD.

No. 211.

To the Military Board,
Fort William,
Dated the 10th March, 1847.

Gentlemen,

General Department. I am desired to acknowledge the receipt of your letter, dated December 31st last, regarding the repairs of the Grand Trunk Road, in which your Board propose certain rules for the guidance of the Officers entrusted with those repairs.

2. These rules appear to have been drawn up in conformity with the standing orders of the department. The Lieutenant-Governor does not on the present occasion call in question the general expediency of the system, nor its applicability to the state of the road in the Lower Provinces. He only proposes to examine how far it is applicable to the peculiar operations which must now be carried on along the Grand Trunk Road in these Provinces.

3. It must be remembered that the main line and its branches up to Delhi from the Carumnassa are bridged, metalled, and completed throughout. There are no new works to be erected, but repairs have to be punctually made along the whole line, and special exigencies must be provided for.

4. Operations of this nature do not admit of accurate estimate. The repairs of a road will depend not only on the nature of the subsoil and the quality of the metal, but also on the amount and nature of the traffic, and the accidents of the season.

5. At the same time they admit of no delay. Supposing the road from any cause to have fallen out of repair so as to become unfitted for rapid travelling, the evil must be speedily remedied, whether its cost has or has not been previously estimated.

6. Such being the state of the case, a great discretion must necessarily be vested in the Executive Officer. He is required to be active and vigilant in his superintendence, and is held

responsible for the punctual and efficient, as well as for the economical, performance of his duty.

7. This course of conduct will be best ensured by vesting him with a definite responsibility in the outlay of money, and by enabling him speedily to relieve himself of that responsibility. Nominal checks, which only harass and distract attention, should be relinquished, and every facility afforded for the free exercise of the declared responsibility, and for a ready discharge from it.

8. There is no difficulty in fixing the limits of the responsibility, and in providing that its exercise be efficiently controlled.

9. The repairs of a road may be divided into ordinary and extraordinary. The former consist of the renewal of metal and of the earthwork on the sides. These, on an average, involve an expenditure of a certain sum per annum along each mile. This expenditure may be sanctioned prospectively, and the money placed at the disposal of the Executive Officers from certain Treasuries.

10. The extraordinary repairs consist of the reconstruction of bridges or embankments or other such works, which have been destroyed by accidents or by gradual decay. In such cases, the Executive Officer may be allowed to make repairs, which do not exceed in cost 500 rupees at his own discretion. Repairs not exceeding in cost 2,000 rupees may be made at the discretion of the superintending engineer. All repairs exceeding that cost may be estimated for, and passed in the usual manner.

11. All new works or alterations of the road should be estimated for in the usual manner.

12. Works, not estimated for, should be charged in monthly bills, showing the amount of work done and the rate at which executed, and should be audited by the Board on the countersignature of the superintending engineer.

13. Executive Officers should be limited as to the amount of cash they are allowed to keep in their own hands, or in the hands of their subordinates.

14. The superintending engineer should report annually to the Military Board for ultimate submission to the Government the state of the road, the annual expenditure, and the rate of expenditure per mile in each division. He should endeavour to

account for differences of rates in different divisions, and should offer remarks on the mode of repair and conduct of the work in his department, which his extended experience cannot fail to suggest.

15. The above principles will be found embodied in the following rules, which the Board are requested to take into their consideration and to report upon them.

16. With reference to the planting of trees, the Lieutenant-Governor observes that the orders on that subject quoted by the Board have application to the Lower Provinces only. Extended observation has convinced the Lieutenant-Governor that the formation of an avenue of trees along the side of the road is more to please the eye than to afford substantial benefit. If it protects the travellers from the sun and wards off heat by day, it also impedes the free circulation of the air, and retains heat by night. It obstructs the free view along the road, and affords facilities for the commission of those crimes which are found to be greatly checked by the formation of straight and open roads. It involves a very heavy expence in watering and watching the young trees; and these trees, when of considerable growth, are liable to be destroyed by animals, or to be prostrated by a storm. Their maintenance as well as their first rearing will be a constant cause of expence. The planting of groves and digging of wells at regular distances is more advantageous to travellers than the formation of an avenue, but these works also may be left to private munificence which has never yet been found wanting in such a work. The heavy charge on the Government for the maintenance of the road does not need to be increased by the execution of a work, which can be more economically and advantageously performed by individuals.

17. The remarks of your Board regarding the map are very just. As soon as a proper survey of the road has been completed, the Board will be pleased to construct a map and itinerary on the scale of eight miles to an inch, very much in the style of the map and itinerary of the Agra and Bombay road which has lately been printed at Agra.

18. It is probable that the establishment, which it is now proposed to organize, may be made available for increasing the

efficiency of the Police, or facilitating the progress of the public mails. These questions can be reserved for future consideration, when the organization is complete and regularly working.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Agra, the 10*th March*, 1847.

Draft of special Rules for the Repairs of the Grand Trunk Road in the North Western Provinces from the Carumnassah to Delhi, and of its branches.

1. The road having been completed, the object of these rules is to provide for its constant maintenance in a proper state of repair suitable for rapid travelling.

2. The operations on the road will consist of ordinary repairs, extraordinary repairs, and new works.

3. Ordinary repairs consist of the renewal of metal and earth-work, and of petty repairs to masonry works. They are estimated to cost rupees per annum per mile, and assignments covering that amount are placed at the disposal of the Executive Engineers, as per margin.* The ordinary repairs thus made will be charged in monthly bills specifying the amount of work done, and the rates of charge. The bills so drawn out will be certified and signed by the Executive Engineer, and will be audited by the Military Board on the countersignature of the Superintending Engineer.

* To be entered according to the extent of each Officer's jurisdiction.

4. Kunkur equal to half the year's contemplated expenditure should always be kept stored by the road-side. In digging kunkur, and in taking earth for the repair of the roads, no damage must be done to the crops, and the surface of the ground must be smoothed and restored as nearly as possible to its former state, after it has once been disturbed. Bricks and materials for making lime should be kept stored where they are likely to be used.

5. Extraordinary repairs comprise the reconstruction of bridges, embankments, and other large works, which are liable

to destruction by accidents of the weather or by decay. Repairs of this sort, involving an expenditure not exceeding 500 rupees on any one work, may be made by Executive Engineers on their own responsibility, and charged on completion in a separate bill, which will be audited by the Military Board on the countersignature of the Superintending Engineer. Repairs of this sort, involving an expenditure above 500 rupees but not exceeding 2,000, will be referred prior to their commencement to the Superintending Engineer, and on his approval will be completed, and charged in a bill which will be audited by the Military Board on his countersignature. The annual assignment for repairs placed at the disposal of the Executive Engineers will be calculated so as to cover extraordinary repairs of the above nature. Works, estimated to cost more than 2,000 rupees, must be estimated for in the usual way, but no delay should occur in the collection of materials, and in preparation for the reconstruction of the work. When extraordinary repairs have to be made, the best temporary road-way which circumstance will admit must immediately be made, and kept open till the work is completed.

6. All new works must be estimated for and passed as usual.

7. The establishment for the repair of the roads will consist of Overseers, Executive Engineers, and a Superintendent.

8. The Overseers will reside in bungalows, which will be erected by the road side at convenient distance, and will contain accommodation for the Overseer, and one room for the occasional visits of the Executive Engineer. The Overseer will have charge of a certain extent of road on each side of his residence, and will keep up a certain establishment of workmen, greater or less as circumstances may require, who will be charged as day-labourers against the ordinary repairs. It will be his duty to see that these men are constantly employed in the repairs, so as not to close the road or materially to impede the passage of carriages, and he will furnish daily (or weekly) accounts to the Executive Engineer of the number of men employed, the work done, and the payments made. He should always have under regular repair such a portion of the road under his charge as may suffice for the renewal of the whole metalling in the

time in which it will probably wear out, and he should make such petty repairs as may be found necessary in other parts of the road.

9. The Executive Engineers should ordinarily reside at some convenient station near the centre of their divisions, but should frequently be moving along the road, examining the works of the Overseers, and seeing that their returns of men employed, work performed, and money paid are correct. They should visit, leisurely and by day-time, each part of their division at least twice in every two months, (i. e. going and returning in each direction once in each month,) and should be prepared to visit at any time any spot where the road is stated to have gone out of repair, or accident to have occurred. They should draw the assignments placed at their disposal at such times and in such amounts as the Superintending Engineer may determine, but should never have in hand more than rupees. They should themselves form contracts for the supply of kunkur, bricks, wood, &c. and should keep the actual disbursement of money as much as possible in their own hands, providing, where payment must be made through others, for its immediate check. All ordinary repairs and extraordinary repairs, involving a cost not exceeding 2,000 rupees in each case, will be charged in monthly bills specifying the quantity and rates of the work. These bills must be certified on honour by the Executive Engineer; monthly accounts of materials in store must also be furnished to the Superintending Engineer showing their nature, the place where stored, and their value.

10. The Superintending Engineer should visit every part of the road at least twice in the year, and examine the works which have been constructed, or the repairs made since his last visit. He should satisfy himself of the efficiency of the control maintained by the Executive Engineers, and of the correctness of his returns of work performed and of materials in store. He should annually report on the state of the road and the works of his subordinates, comparing the modes of management pursued by each, and giving to all the benefit of his enlarged observation and matured experience.

11. The several Post Masters on the road will report to the

Executive Engineers any complaints which may be made to them regarding the state of the road. On receiving such report the Executive Engineer will immediately ascertain the state of the case, either in person or through some well-qualified person. If the complaint is well founded, he will make the requisite repair. If the complaint is altogether unfounded or malicious, he will draw up a statement showing this to be the case, and forward it to the Post Master, that the complainant may be suitably reprimanded or punished. Cases which fall between these extremes may be acknowledged and disregarded. Lengthened correspondence in such cases must be avoided. If the Post Master does not at once concur in the Executive Engineer's view, the matter should be immediately placed in the hands of the Superintending Engineer.

REVENUE ADMINISTRATION, SAUGOR AND NERBUDDA TERRITORIES, AGRA.

Revenue Department, the 25th March, 1847.

Minute by the Hon'ble the Lieutenant-Governor of the North Western Provinces.

1. The settlement of the Saugor and Nerbudda Territories has been made for twenty years on easy terms. During this period the Government has bound itself not to demand more than a stipulated sum from the persons who took the leases of each mouzah or township in the territory. The sum thus stipulated for was moderate, leaving a fair average profit on the estate as it then stood, and allowing the lessee all the further profits which might arise from improved or extended cultivation during the lease.

2. This was a state of things which had never existed before. It is a mode of revenue administration which Native States do not adopt. If they were to adopt it, the confidence in their good faith is not such as would lead to the full development of the advantages which it is calculated to produce.

3. It is necessary then carefully to consider the change in the position and circumstances of the agricultural population,

which the introduction of this new mode of administration produces.

4. The Government ceases to have that immediate and evident interest in the advancement of cultivation, which stimulates a good Native Government to cause the extension of cultivation by the expenditure of its own capital and the exertions of its own agents. The people are expected from a sense of their own interest to do that which a good Native Government ordinarily does for them.

5. In order to induce the people to expend their own capital and to put forth their own strength in the cultivation of the land, it is necessary that they feel assured of reaping the full benefits of their enterprise, not only during the period of the settlement but beyond that, and so long as they, or their posterity, may have any connection with the land. In other words it is necessary to give a good title, so that each person should know the exact extent of his proprietary interest in the land or its produce, the mode in which he can transmit it to his heirs, and the terms on which he will be allowed to hold it after the expiration of the settlement. It is also necessary that he have full power to transfer the land by sale or mortgage, so that he may, at will, raise money upon the property for such purposes as he may require.

6. Now these conditions, which are essential to the success of the system introduced into the Saugor and Nerbudda Territories, have been altogether neglected. The leases of the several mouzahs were given to persons who were called farmers, but the extent of their rights under that denomination was left very indefinite. No right of property in the land was recognized. The farmer was not informed what discretion he had as to the cultivation of new land. He did not know on what terms he could obtain a renewal of his lease, or whether he could even expect its renewal at all. He was left in doubt on whom his rights would devolve after his death. He was debarred from freely transferring his right in the way that might appear most advantageous. All that he did know was that he could collect the value of a certain part of the produce from the cultivators, that he was bound to pay to Government a fixed portion of the

amount thus collected, and that he might keep the surplus for his own use.

7. Such a state of things is fatal to the prosperity of the country, and imperatively requires remedy.

8. The remedy in order to be effectual must be conformable with the feelings of the people, and consistent with the principles of justice which prevail amongst them. If the rights which may be declared to exist are not in unison with the previous notions of the people regarding landed property, no confidence will be felt in the declaration, and its full bearing will be slowly apprehended.

9. The remedy must also be minute and complete, and adapted to meet all the circumstances of the case. If the declaration of rights be not such as to provide for all cases which may arise, uncertainty will still prevail, and the measure will fail of the benefit which it was designed to confer.

10. There are two methods in which the remedy may be applied. The first is of a general nature, viz. by a legislative enactment declaratory of the persons in whom the proprietary right is considered to vest. The second is of a particular nature, viz. by the judicial investigation of each case, and by the declaration in the form of a judicial decree of the parties in whom the proprietary right vests in each case so investigated.

11. The former was the plan adopted in the permanently settled provinces of Bengal, Behar, and Orissa. It involves no immediate expense, is simple in its nature, and easy in its application. It appears to be the course contemplated by most of the persons who have hitherto proposed the adoption of a remedial measure.

12. The latter is the plan adopted in the North Western Provinces. It is expensive and laborious, but it is calculated fully to meet the whole subject, to obviate the commission of any great or general injustice, and to provide for every case which may exist.

13. In considering the expediency of meeting the existing difficulty by a general legislative Act, it must be remembered that there is a remarkable diversity in the landed tenures in India. Neighbouring countries or districts, and even contiguous

villages, present diversities of tenure, which it is impossible to describe with any approach to accuracy in common terms. It is impossible that the distribution of landed property should be the same amongst the Boondelah Thakoors of Saugor, and the Gond Chiefs south of the Nerbudda, in the rich valley of the Nerbudda, and amongst the wild hills of Sohagepoor.

14. The state of things in a neighbouring country will better illustrate this. Scindiah's possessions stretch in a belt running north and south from the Chumbul near its junction with the Jumna down to the Nerbudda. The northern districts are inhabited by different tribes of Rajpoots and others who all hold the land according to their peculiar customs, and who could not be deprived of their rights in these lands without the grossest injustice, and the most determined opposition. The Seekurwars, the Tuars, the Gors, the Keechees, and the Oomuts are all strong, high-spirited, clans who have for centuries held possession of certain tracts which they cultivate and enjoy according to customs peculiar to themselves. In the rich provinces of Malwa, on the other hand, no parties claim a proprietary right in the land. The Government or its assignees are admitted to be the sole owners of the land, and to have the right absolutely to dispose of it.

15. Now it is evident that no general legislative enactment could define the rights in a country like this with any such approach to accuracy as would answer the end which the measure is designed to effect. Much must be left undefined which it is essential should be determined, in order that the industry of the people may be fully developed. The best effort of this kind which has been made was in the province of Benares. Mr. Jonathan Duncan was intimately acquainted with its condition and the character and customs of its people. The results of his enquiries were embodied in the legislative enactments of 1795, where the general incidents of proprietary right are defined, and the peculiar state of certain parts of the country are described. Yet this measure has been found wholly insufficient, and the Government, after blundering through several years of misrule, were compelled about forty-five years afterwards to carry through at great cost and with much labour the very

measure of minute judicial enquiry, which was first adopted in the North Western Provinces.

16. There is much to recommend the second of the two measures in the Saugor and Nerbudda Territories. Considerable diversity of tenures is known to exist. In some cases the rights of property in the land are little known and prized, but in others they are founded on a long prescription and are greatly valued. The resources and the statistics of the country at large, as well as of each particular village, are little known. This information which is most essential to good Government is altogether wanting. Ten years of the current settlement have expired, and at the close of another ten years the country will again come under settlement. The interval is an important one during which all these questions of proprietary right may be determined, and the means may be provided for the formation of a new settlement with a full knowledge of all the resources and capabilities of the country.

17. These proceedings would not affect the arrangements formed for the current settlement. The faith of the Government pledged to the present lessees must be scrupulously maintained. The lessees who might be recognized as proprietors of the land would remain in possession, and would enter at once on the full exercise of the rights which they might be declared to possess. In cases where the proprietary right might be found to exist in other parties than the present lessees, the latter would be maintained in possession as farmers, and the relations between them all others connected with the estate, for the remaining period of the lease, would be defined. On the termination of the settlement, the farmers would give place to the rightful proprietors.

18. The same opportunity may be seized for determining not only the existing rights in the land, but also the law according to which in each case those rights should be transmitted to posterity. Much stress is laid in some of these papers on the importance of maintaining the law of primogeniture. This is a law which Englishmen are known to regard with peculiar favour, but regarding the merits of which intelligent foreigners do not concur with them. If succession according to the law of primo-

geniture to the family custom in the Saugor and Nerbudda Territories, or be peculiarly desired by the family, there can be no objection to its recognition. But if otherwise, it should not be forced upon them. The right of inheritance is one of the last with which we should interfere. The Hindoo laws of inheritance are intimately interwoven with their religious observances and institutions. In chiefships or principalities, the law of primogeniture generally prevails, but in other cases it is seldom observed. There is one evident cause which renders the law of primogeniture unsuitable to the general frame-work of Hindoo society. Sons follow the profession of their father, and seldom, if they can avoid it, betake themselves to other pursuits or professions. The cadets of the family of a wealthy landholder can seldom be thrown off, so as to seek their fortunes elsewhere. The ancestral property must support them all, and the only question is whether they shall share equally, or whether one shall have a predominance, and the rest a mere maintenance. The history of the Rajpoot Chiefs amply illustrates this. The head of the house is the wealthiest individual of the family, but the patrimony is burthened with the support of all the younger branches.

19. I am then of opinion that the introduction into the Saugor and Nerbudda Territories of the system of survey and record of rights which has prevailed in the North Western Provinces is the best, if not the only, way of providing an effectual remedy for the evils which at present affect the Civil administration.

20. Supposing this to be granted, it remains for consideration how the measure can best be carried out.

21. Much has been done since the first commencement of the system about fourteen years' ago to methodize and to simplify it. The rules and mode of procedure are now determined. Books of instruction have been compiled both in the English and in the Native languages. The dangers which beset it are known, and can be avoided.

22. The chief defects of the measure as carried out in the North Western Provinces have been the tardiness and uncertainty of the final decision on all the disputed points affecting

landed tenures. The primary decision has always been given by a series of revenue Officers, acting under the express instructions of the Government, and enforcing principles laid down by them. But these decisions have been open to revision by suit in the Civil Courts on any date within twelve years of their enforcement, as regards both the principles themselves on which they rested, and the application of those principles. The Civil Courts are not bound by any instructions which the Government may have given, and hence even a subordinate judicial tribunal is competent to reverse a decision which may have received the confirmation of every Officer in the Revenue Department. Persons affected by the primary award of the Revenue Officers can not only contest it in three stages of appeal before the Commissioner, the Sudder Board of Revenue, and the Government, but, if unsuccessful before all these, he can still keep his antagonist in suspense for twelve years by the power he possesses of instituting a suit in the Civil Court to contest the award, with the privilege of two further appeals to higher Courts.

23. This uncertainty has been found to be most detrimental to the landed interests. Its existence is quite unnecessary, and it should hereafter be avoided.

24. The Government should lay down the principles on which the operations are to be conducted,—such as the criteria of proprietary right—the course to be pursued when there is no sufficient proof of proprietary right—the relations which are to exist between the several parties, when there are many co-existent rights of the same or a different kind.

25. The principles so laid down either at first, or from time to time as they arise, should be enforced by one set of Officers under one head, due precaution being taken that no person be prejudiced by hasty or ill-considered decisions arising from the extent and multiplicity of the objects embraced in the enquiry.

26. For this purpose there may be three grades of Officers corresponding with the Commissioner, the Collector, and the Deputy Collector in the Regulation Provinces. The record of rights may primarily be formed by the Deputy Collectors, acting under the supervision of the Collectors and the direction of the Commissioner. In this stage of the proceedings, the Collector

would confine himself to providing that the principles were rightly understood, and that the records were drawn up in the prescribed form, embraced all necessary topics, were diligently and carefully prepared, and sufficiently promulgated to those whose interests were affected.

27. Any person considering himself aggrieved by an entry in the record, should have the power of petitioning the Collector for alteration of the record within six months from its completion and promulgation. The petition should be numbered and entered on a file, and the complaint of the person fully investigated by the Collector, from whose decision a single and final appeal should lie to the Commissioner. The record as finally amended should be considered the authoritative exponent of all rights existing in the village, and should be open to no further question.

28. A minute Revenue Survey according to both the European and native methods must precede the formation of this record.

29. The magnitude and expense of this operation may give rise to some hesitation in adopting it. Both are no doubt considerable, but they are necessary to the right administration of the country, and to the improvement of the social condition of the people, which is the first duty of every Government. The measure may be put off, and the Government may go on blindly in its present course without being charged with great and evident dereliction of duty. It may also be impossible to prove that the great outlay which the measure involves will certainly be made good to the public Treasury. But if there is any truth in the general principles on which the recommendation is founded, and if there is any reason to believe that the welfare and prosperity of the state is bound up in the wealth of the people and the increased resources of the country, then most certainly will the returns be ample. It may not be easy to prove how the expense of Courts of law is re-imbursed to the State, but no one doubts that their maintenance is essential to its very existence.

30. If the measure is determined upon, preliminary steps should immediately be taken for laying down the principles of

procedure, and forming the establishments by which they are to be worked out. The error of extreme haste, which detracted from the benefit of the operations in the North Western Provinces, should be avoided. This can only be done by a regular and deliberate course of procedure. The several steps of the operation should be laid out, the necessary agents should be instructed and trained, and then the work may be safely carried on with a degree of regularity and certainty which was quite unattainable in the early periods of the operations.

J. Thomason.

No. 43.

BOARD OF PUBLIC WORKS IN N. W. P.

No.

To H. M. Elliot, Esquire,
Secretary to the Government of India,
With the Governor-General,
Dated Head-Quarters, 7th June 1847.

Sir,

Revenue Department. I am desired to acknowledge the receipt of your letter dated May 1st last, regarding the Ganges Canal, and to furnish for submission to the Right Honorable the Governor-General, copies of the accompanying letters on the subject, which have since been brought on record.

Major Baker to Secretary Government, dated April 14, with enclosure.
Secretary to Government to Military Board, May 10th.
Ditto ditto to Major Baker ditto.
Ditto ditto to Accountant N. W. P. ditto.

2. The Lieutenant-Governor desires me to express the gratification which he derives from the cordial and complete support which the Right Honorable the Governor-General has thus ac-

corded to an undertaking calculated to confer great and lasting benefits upon the inhabitants of these Provinces. The Lieutenant-Governor will omit no efforts, which can justify the confidence expressed in his Lordship's communication. It will be his constant aim to unite the highest degree of efficiency in the execution of the work with the strictest regard to economy.

3. The cause of local improvement having thus received from His Lordship such signal encouragement, the Lieutenant-Governor desires me to seize this opportunity of laying before the Right Honorable the Governor-General, his proposal for rendering the agency employed on public works more efficient than it at present is.

4. The Honorable the Court of Directors in their despatch No. 2 of 1845, Public Department, dated January 22nd, discussed the subject of keeping in repair the Grand Trunk Road between Allahabad and Delhi, and recommended the appointment of "a Superintendent of Roads, Bridges and Tanks" in these provinces. A copy of this despatch was furnished to me with Mr. Secretary Bushby's letter of May 17th, 1845.

5. In my reply of June 12th, the Lieutenant-Governor submitted his opinions in favour of an appointment of that nature for the general superintendance of public works in the Civil Department, and pointed out that the expenditure of such works was likely to be 18,00,000 Company's Rupees per annum. The Supreme Government in their reply of July 12th intimated their intention of speedily taking the subject into consideration.

6. Political events of engrossing importance have naturally diverted attention for some time from this subject. But these have now passed, and there is good reason to hope that the splendid military success which has distinguished that intermediate period, has laid the foundation for a solid and lasting peace, during which the Government will have time and opportunity to direct its attention to a more perfect development of the resources of the country. His Lordship's despatch to the Honorable Court of Directors, which was forwarded with your letter, is a sure indication that this time has arrived, and that the obligation of the new class of duties now devolving on the Government is recognized.

7. The Lieutenant-Governor therefore trusts that his review of the subject discussed in the correspondence which has just been mentioned, will not be considered untimely. He desires me now to place before the Right Honorable the Governor-General his more matured views regarding it.

8. Since the date of the above correspondence, measures have been taken for remedying the defect, which was its more immediate subject, and an agency has been organized for the repair of the Grand Trunk Road, which promises to be efficient. At the same time it is deserving of consideration whether the control of that, as well as of several other establishments, might not be more advantageously vested in an authority at Agra, who should be in immediate personal communication both with the subordinate and co-ordinate authorities, and with the head of the local Government.

9. For convenience of reference I am desired to recapitulate in the margin the works on which it was supposed in para. 7 of my letter of June 12th, 1845, that 18,00,000 of the public money were likely to be annually expended. It will be at once perceived that all these works involve considerations, and necessitate correspondence other than that which has reference to their mere scientific construction.

7. The Grand Trunk Road from the Kurumnassa to Delhi, ...	2,50,000
The Bombay Road from Agra to the Nurbudda,........	70,000
The Road from Mirzapore to Jubbulpore and Saugor,...	50,000
The Jumna and Dhoon Canals	2,20,000
The Ganges Canal,........	3,00,000
The embankments and water courses in Rohilcund,....	20,000
The one per cent. Road Fund,	4,25,000
The Ferry Fund,..........	1,30,000
Tanks and Reservoirs in Ajmere and Delhi, &c.	1,00,000
Civil Buildings, including Jails and Cutcherries,....	3,00,000
Total,....	18,65,000

10. The Post Master General is materially interested in the maintenance of the great high roads, which are constructed by the Government, whilst the Revenue authorities deal with questions regarding the occupation of the land by those roads and the police of the country has to provide for the public safety along their whole course. All questions regarding irrigation or drainage involved in the construction of Canals, Reservoirs, Embankments, &c. directly affect the land Revenue, and require constant reference to the authorities, who are concerned in that branch of the Civil administration.

11. The district roads are under the control of the local Civil Authorities, whilst the Jails, Hospitals and public Cutcherries must be erected in correspondence with the Civil Officers, who will have charge of them, or for whose accommodation they are designed.

12. Under these circumstances it is evident that great inconvenience must result from the location at Calcutta of the body which is to superintend all the scientific details of these several works. If at Bombay, when the heads of all the public establishments were resident in the same locality, it was thought necessary to have a separate Superintendent for Roads, Bridges, &c. it is not surprising that the Government of the N. W. P. should attempt to disconnect itself from a board which is burthened with an infinite number of other more important duties, and which is also separated by a distance of 900 miles from all those authorities, with which it should co-operate, and in whose wants and feelings it can very imperfectly sympathize.

13. The necessary effect of the present state of things is, that in the superintendence of many public works the Lieutenant-Governor is thrown entirely on his own resources. Works involving much engineering skill are at present under construction in Rohilcund, in Ajmere, in Nemaur, as well as all over the country under the Magistrates, and Local Committees, and in forming an opinion upon these the Lieutenant-Governor is forced to depend upon his own knowledge, or the casual assistance, which personal friends ungrudgingly afford; but he has no fixed responsible adviser to whom he could at all times authoritatively refer, and on whose judgment he could implicitly rely.

14. In those cases where the Superintendence of the Military Board is still maintained, cases constantly arise, in which it is necessary to dispense with the Board's authority, and by direct orders to the subordinate Officer to overrule points on which in regular course the Board should have been previously consulted.

15. It is hoped that enough has been said to show the necessity of organizing some new agency for the Superintendence of Civil Works in the N. W. P. without advertence to the present system of control exercised by the Military Board. On this

the opinion of the Lieutenant-Governor has already been expressed in my letter of June 12th, 1845. All subsequent experience has confirmed that opinion. With the most ardent desire for the public good and the utmost efforts to discharge their duties with efficiency, the Military Board have suffered themselves to be hampered with a variety of details which impose no real check on dishonesty, but effectually discourage and crush the efforts of zealous and high-minded public Officers. The Lieutenant-Governor does not deny that the wish to free from the trammels of this system the execution of those works which he considers essential to the good of the country is one strong ground on which he is prepared to rest his present proposal.

16. The new controlling authority for the execution of Public Works, in the Civil Department must possess scientific skill, official weight and influence, and perfect facility of communication with the Civil authorities at Agra, as well as freedom of motion to all parts of the country.

17. It seems to the Lieutenant-Governor that these conditions would be best answered by appointing an able Engineer Officer to be a Secretary to the Sudder Board of Revenue, conjointly with the present Secretary, and vested also with the powers of a Junior member of the Board as regards matters of his own Department. He will thus have the fullest opportunities for conferring with the Board, and will have immediate access to the information they possess, whilst he will carry with him all the influence which naturally attaches to that body, and he will have full scope for travel and local enquiry, while his ordinary residence will be at Agra. The salary attached to the office should be liberal, but as this will be regulated by principles and standards observed in the Military Department, as well as on civil consideration, the Lieutenant-Governor refrains from expressing an opinion regarding it. He would only recommend that the better to assimilate it with the usage of the Civil Department and to enable the selection to be irrespective of Military Rank, the salary should be consolidated, and a travelling allowance of 8 annas a mile should be given whenever the officer is required to visit parts of the country at distance from Agra.

18. An additional recommendation to this arrangement is that the machinery for conducting the business of the new department is organized and will involve but little additional expence. A few more clerks in the Sudder Board's office are all that will be required. The offices of audit and account will perform their functions as at present, whilst the system of conducting business and of recording documents at present in force in the Revenue Board will remain unaltered.

19. The services of an Officer in the proposed position will be most useful to the Government in many ways, besides those in which the Military Board is now ordinarily employed. Amongst these may be mentioned the arrangement of statistical and geographical details, and the superintendance of the supply of lithographic forms, which are now most extensively used in the transaction of Civil business.

20. The superior controlling authority being thus provided, in the event of these views meeting his Lordship's concurrence, it will be necessary to determine what the inferior agency should be. In the Canal and Road departments, a separate agency has been already organized, and might at once be placed in subordination to the Sudder Board of Revenue. The local Road Committees can also be immediately brought under the same control. In the construction of Civil buildings, there will be some difficulty in entirely disconnecting the inferior agency employed under the one Board from that employed under the other.

21. The Executive Officers of the several divisions, who must necessarily remain subordinate to the Military Board, are certainly convenient instruments for the execution of these works. At the same time it must be remembered that they are often over-burthened with other important duties, which afford them little leisure for the careful superintendance of these dry and mechanical details, and that there are many opportunities for executing by contract, or through the agency of Civil Officers, simple structures, such as those which are required for ordinary civil purposes. The greater and more costly buildings are few in number, and might still be constructed through the agency of the Executive Engineer under the Sudder Board of Revenue without any clashing of authority or other inconvenience.

22. The Lieutenant-Governor would propose to exclude the Ganges Canal from the operation of this measure, and to keep it as at present under the Military Board, till it is completed and ready for use, provided only that the Board can be induced heartily to consent to some relaxation of their present system in conformity with his Lordship's suggestion contained in your letter under acknowledgment, and reiterated in my letter to their address of May 10th. This work stands alone in magnitude and importance. The Military Board have shown a deep interest in its success, they have carefully watched over its commencement, and they will naturally desire to maintain their superintendance till it is completed. It is a work which will tax to the utmost all the resources of the country, and the Board are in a position to place at the disposal of the Officers employed on the work, these resources to an extent, and with a facility, which no other public Office can afford.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

BOARD OF PUBLIC WORKS IN THE N. W. P.

No. 1147.

To G. A. Bushby, Esquire,

Secretary to the Government of India,

Home Department,

Fort William,

Dated Agra, 12th June, 1845.

Sir,

Financial Department. I am directed to acknowledge the receipt of your letter, dated the 17th ultimo, forwarding the copy of a despatch from the Hon'ble Court of Directors, dated January 22d last, regarding the repairs of the Grand Trunk Road.

2. When the Lieutenant-Governor drew up the plan for the superintendance of this road contained in my letter of October 14th last, he was not aware that the subject had lately been brought under the consideration of the Supreme Government by his predecessor. If he had been aware of it, he would not have failed more particularly to advert to that project. One distinguishing feature of that scheme seems to have been the appointment of Overseers along the road, whose double duty should be to look after the mails under the Post Master General, and to keep the roads in repair under the Executive Engineer. The system was tried, and its failure reported by the Post Master General on February 25th, 1844, when the further employment of Overseers was discontinued. The cause of failure was partly the insufficiency of salary given to the Overseers, and partly the double functions assigned to them under different masters.

3. The Lieutenant-Governor cannot doubt that great benefit would accrue from the appointment of a Superintendent of roads, bridges, and canals—or rather of public works in the Civil Department, in these Provinces, if the exigencies of the public service would allow it.

4. The greatest inconvenience now results from the intervention of the Military Board between the Local Officers and the Government, and the only mode of avoiding the inconvenience is by frequently setting aside the Board and issuing orders direct to the Executive Officer or the Superintending Engineers, copies of which are sent to the Board.

5. A Superintending Officer, appointed as above, should exercise the double duties of Superintending Engineer and Military Board, except in so far as the keeping of accounts and auditing bills might interfere with his power of freely itinerating. Those functions might be advantageously made over in whole, or in part, to the Accountant and Civil Auditor.

6. There is ample and more than enough work profitably to engage the whole time and energy of such an Officer in these provinces. The following works may be enumerated as now requiring attention, and a rough estimate is added of the annual expenditure on each.

7. The Grand Trunk Road from the Carumnassa to Delhi, ... Rs.	2,50,000
The Bombay Road from Agra to the Nerbudda, ...	70,000
The Road from Mirzapore to Jubbulpore and Saugor, ...	50,000
The Jumna and Dhoon Canals, ...	2,20,000
The Ganges Canal, ...	3,00,000
The embankments and water-courses in Rohilcund, ...	20,000
The one per cent. Road Fund, ...	4,25,000
The Ferry Fund, ...	1,30,000
Tanks and reservoirs, &c. in Ajmere, Delhi, &c., ...	1,00,000
Civil Buildings, including Jails and Cutcherries, ...	3,00,000
Total, ...	18,65,000

8. The Lieutenant-Governor has not sufficient information regarding the Office of Superintendent of roads, bridges and tanks at Bombay to enable him to judge how far the experience there gained will bear upon the present proposition. There must, however, be this evident difference. The Military Board in Calcutta is situated 900 miles from Agra, and is cut off from the possibility of personal communication with this Government. They are imperfectly, and as it were accidentally, acquainted with the state of things in these provinces, and have no opportunities of enforcing that vigorous and searching scrutiny which is essential to due economy. Individually and collectively, they have always shewn themselves anxious to promote every thing connected with the good of the country, but they are hampered by forms and rules which render them a clog upon useful exertion.

9. If it be thought wise to diminish expenditure by throwing impediments in the way of disbursement, and by interposing harassing forms, which distract attention, and needlessly increase labour, the Military Board in this department of its operations

is well calculated to the proposed end. If, on the other hand, it be considered more advisable to weigh well every contemplated expense, and then, when the disbursement has once been determined upon, to press the work vigorously, with all substantial checks on expenditure and no useless impediments to it, the sooner some such agency as that now under discussion is substituted for that of the Military Board, the better it will be.

10. The Lieutenant-Governor desires me to observe that he would not have brought forward this subject at present, had it not become necessary in consequence of the present reference. Whenever the proposed operations for the Ganges Canal are completely sanctioned, the subject will become of paramount importance. It will then be necessary to decide how an expenditure of one crore of rupees on a great national undertaking, can be most economically made and best checked. The Lieutenant-Governor has satisfied himself by personal communications with the Executive Officers and by Engineers on the spot, that the present system, whilst it maintains the most laborious and expensive system of apparent check, imposes but little real restraint on over-charge or peculation, and yet burthens, with a heavy and protracted pecuniary responsibility, Officers, whose time and talents should be left as free as possible for their scientific labours in the field. Private communications are now passing between the Officers on the Canal, the Local Government at Agra, and those in Calcutta connected with the department of accounts on this very subject. When the fitting time arrives the result of these enquiries will be laid before the Right Hon'ble the Governor-General in Council. Meanwhile it is only necessary to observe that daily experience shows the present arrangements in this branch of the public service to be cumbrous, expensive, and inefficient.

11. As bearing on the subject of the Grand Trunk Road, it is only necessary to observe that, in my letter of October 14th last, the Military Board was mentioned as the immediate superior of the Executive Officers on the road, only because that was the only existing authority in which control over the whole line centred. It would be far more advantageous to place the

Executive Officers under one person, in these Provinces, who could supervise as well as check the work.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

HALTING PLACES ON THE GRAND TRUNK ROAD.

No. 1198.

To the Officiating Secretary,

Sudder Board of Revenue,

North Western Provinces,

Dated Agra, 20th March, 1846.

SIR,

REVENUE DEPARTMENT. The attention of the Lieutenant-Governor has lately been drawn to the absence of any proper provision for maintaining encamping grounds along the high roads in these provinces, notwithstanding the orders on the subject which were issued on August 19th, 1842. The Board are requested now to take measures for remedying the defect.

2. On every great Military Road, and especially on the Grand Trunk Road and its principal branches, pieces of ground should be set apart at convenient places, and marked by a sufficient number of substantial boundary pillars, so as to secure them from encroachment. The pieces of ground so reserved should not be less than will suffice for the comfortable accommodation of a complete Regiment, and should measure at the least 400 yards square, being as much larger as circumstances

will admit. On the Grand Trunk Road it may be advisable to have two such encamping grounds set apart,—and on each side the village or bazar, whence the supplies are furnished.

3. If at the time of settlement any reservation of ground for such purposes was specified, the stipulation must of course be enforced.

4. If no such reservation was made, and the required land was then cultivated and assessed, it can now be acquired only in the manner prescribed in Regulation I. 1824.

5. If the land is waste and has always been occupied as an encamping ground, no compensation will be necessary. The space should be marked out by substantial pillars; and its future occupation by houses, plantations, or in any other way, should be prevented.

6. If the usual and convenient encamping ground is at present occupied by topes of trees, the space should still be marked off. The proprietary rights in the trees will remain undisturbed; but when the trees are removed, the ground will continue to be reserved for public purposes.

7. If the land is culturable and no reservation of it was made at the time of settlement, yet supposing the land to have been always thus appropriated and not to have been assessed, there will be no good claim for compensation, but if the land had not before settlement been thus regularly appropriated, or if it was distinctly brought under assessment, some compensation will be requisite.

8. The ground being thus appropriated and marked off, it will be the duty of the Collector to make such provision as he can for keeping it clean and in good order. The approaches to it from the road should be kept in repair and drain-bridges be constructed if necessary. The ground should also be well drained; and, periodically, any holes or ravines which may have formed should be filled up. In the immediate neighbourhood, accommodation should be provided for the venders of wood and other burdasht articles, as well as for the Bunneeahs.

9. If Serais could also be constructed near the spot, it might be found a convenient arrangement.

10. Each Commissioner should require the Collectors who are subordinate to him to prepare a list* of places where such encamping grounds will be formed, and after he has procured and approved the spots, to charge himself with seeing that these orders are fully carried out. Any small expence that may be requisite will be passed by the Commissioner in the Revenue Contingent Bill.

Road.*	No. of halting place.	Name of halting place.	Pergunnah.	Mouzah.	Boundaries how marked.	Specification of position.	Distances from Sudder Station or former halting place.
:	:	...	:	:	:	:	...

11. As the arrangements in each district are completed the Commissioner will report them to the Board, for the information of Government in the annexed form,* copies of which will be furnished to the Military Board and Quarter Master General of the Army.

I have the honor to be, &c.

J THORNTON,

Secretary to Government, N. W. P.

SUPPLIES AND POLICE ON GRAND TRUNK ROAD.

No. 1430.

To the Commissioner of Benares, Allahabad, Agra, Meerut,

Dated Agra, the 25th March, 1847.

SIR,

JUDICIAL DEPARTMENT. The Lieutenant-Governor's attention has been lately drawn to the necessity of some better pro-

vision than now exists for the security of person and property along the Grand Trunk Road. The great increase of passengers and of traffic along the road compels the adoption of the greatest precautions to protect the travellers themselves, and to save the inhabitants of villages upon the road from molestation or injury from their hands.

2. The objects to be attained, and the measures which suggest themselves for the purpose, may be thus enumerated.

First.—Protective measures.—These embrace the watch and ward of the road, both in the spaces between villages and at the usual halting-places;—the setting apart of certain spots as halting ground, where proper measures can be taken for the protection of the travellers;—the erection of enclosed surais and treasure-houses, and the location along the road of as large a body of the police as can be conveniently posted there.

Secondly.—Measures for the punishment of crime.—There will evidently be great reluctance to prosecute and consequent impunity to offenders, if persons, who have suffered injury, be compelled to attend at the Sudder Station, in order to obtain redress. The law now affords great facilities for affording redress on the spot. This may be effected by placing along the road as many of the Tuhseeldars as can conveniently be stationed there, and giving them the powers of Deputy Magistrates; and also by stationing, the Joint Magistrate and Deputy Collector of each district, or an assistant vested with those powers at convenient posts along the line. It may also be desirable to vest with the powers of Deputy Magistrate, for the trial of offences against persons and property along the road, any other responsible Officers who may be ordinarily stationed upon it, or accustomed to travel upon it, such as Moonsiffs, or persons in the Customs Department, or the Executive Engineers in charge of the road.

Thirdly.—Measures for the proper supply of the wants of troops or travellers, passing along the road.—Of this nature are the arrangements regarding encamping grounds, prescribed by the orders of 20th March, 1846, addressed to the Sudder Board of Revenue, also all arrangements for the sale of *russud* and other articles usually required by travellers, such as tent-pegs,

&c. and for the sale of articles of food and the regulation of its price. Under this head would also fall the supply of carriage, and the protection of the people from the illegal seizure of their carriage and cattle, and from impressment.

3. You are requested to furnish a copy of this letter to each of the Magistrates along the Grand Trunk Road, and to call upon them for an expression of their sentiments on the question, and you will forward their replies with such observations as may occur to yourself in connection with the subject. You will however be pleased to bear in mind that it is not intended thus to invite proposals for the entertainment of additional and costly establishments. The question rather is how to effect the proposed object by the best and most economical arrangement of the resources already at disposal. Your own position, which affords you an opportunity for comparing the measures now in force in the different districts along that portion of the road, which falls within your own division, both as regards their efficiency and economy, will materially assist you in coming to a right conclusion.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

REGISTRATION IN COLLECTOR'S OFFICE.

No. 2791.

To G. A. Bushby, Esquire,

Secretary to the Government of India,

Home Department,

Calcutta.

Dated Head Quarters, June 30th, 1847.

SIR,

JUDICIAL DEPARTMENT. I am desired in reply to your letters of March 28th and August 1st, 1846, to forward the accompanying copy of a communication from the Register, Sud-

der Dewanny Adawlut, dated March 17th, 1847, and of a letter in reply this day addressed to him, regarding the Honorable Court's observations on the Registration of Deeds under Act XIX. of 1843, and IV. of 1845.

2. There are many circumstances connected with the state of landed property in these provinces, which facilitate the formation of an effective system of Registration.

3. There are few large estates which lie in different pergunnahs or districts. Taking the word estate in the sense in which it is used in Section 2, Regulation XLII. 1803, as "land subject to the payment of public revenue, for the discharge of which a separate engagement has been entered into with Government," it has been generally the custom at the late settlement to form every Mouzah into a separate estate. Property in land is minutely divided. Many Mouzahs are held by communities of proprietors; there are comparatively few proprietors who possess many Mouzahs.

4. The Land Revenue System, both as regards the original settlement and the yearly collections, affords full information regarding landed property, and necessarily keeps the Officers of Government more or less acquainted with all transactions regarding landed property.

5. A very complete system of Record and Registration regarding all actual transfers of land has long existed in the Collector's Office, and during the last fifteen years the Sudder Board of Revenue have exerted themselves with great energy and perseverance to perfect it. The details of the plan will be found in the documents* alluded to in para. 3 of the letter to the Court. These will show that the attention of the Government continues to be directed to this important subject, on which it is probable I shall have opportunity to address you hereafter to solicit legislative aid in the promotion of the object.

* Six of the trial copies of the 2nd part of Directions for Collectors of land revenue are forwarded herewith.

6. With these observations the Lieutenant-Governor desires me to pass on to the consideration of the four points involved in this discussion as stated in para. 3 of the Court's letter.

7. The Lieutenant-Governor concurs with the Court in the

1st. Whether the provisions of Act XIX. 1843, have been sufficiently promulgated, paras. 4 and 5.

opinion, that the provisions of the law have been sufficiently promulgated and are well known to the people. The establishment of Registry Offices at the Moonsiffees and Tehsildarrees has already been under consideration, and promises much benefit. It may be questioned whether the wording of Act XXX. 1838 warrants such an arrangement, which certainly was not in contemplation at the time. It is premature at present to urge the measure, but there is every reason to believe that, with further experience and under proper precautions, it would be attended with much benefit. The annexed marginal entry shows the particulars of registration during the years 1844 and 1845, in the thirty-six Offices subordinate to the Sudder Dewanny Adawlut.

	1844.	1845.
No. of Deeds registered,	10,320	16,027
No. of copies taken, ..	219	315
No. of Deeds inspected,	15	19
Amount of Fees, .. Rs.	20,945-8	32,322-8

2nd. Whether the custody of the Office of Registry is so provided for, as to protect it both from fraud and accident, paras. 6 and 7.

8. The existing rules are well calculated to preserve the records from fraudulent alteration, or accidental destruction. The Court of Sudder Dewanny Adawlut have done much to enforce these provisions by promulgating the existing rules regarding registration in a condensed form in a Circular Order, dated July 26th, 1844, already noticed in my letter to your address, dated December 13th, 1844. The best rules of this sort will always be frustrated by the carelessness or dishonesty of such agency as can be commanded in this country. The annexed extract* of a letter from the Judge of Barrelly to the Court, dated September 9th, 1846, shows that there is some reason to apprehend occasional fraudulent falsifications of registered deeds. The measure now recommended to the Court in my letter of this day's date affords an additional safeguard against such fraud.

* I have some reason to suspect that fraudulent alterations of the record are sometimes effected, and a case has been recently brought to my notice which the Moonsiff of Budaon has been required to explain. It was alleged that a certain Plaintiff had contrived by means of the Moonsiff's Amla to get the names of some witnesses added to the copy of a deed after registry. There can be little doubt of the fact, but it would be premature to make further remarks at present.

9. This opportunity is taken of drawing attention to the notification in the Gazette, dated October 19th, 1844, which gives the duty of registry to the Principal Sudder Ameen wherever such Officers reside, and to the correspondence explaining the grounds of that resolution, copy of which is annexed.

Proceedings, October 19th, 1844, Nos. 42 to 44.

10. The correspondence with the Sudder Dewanny Adawlut arising out of para. 9 will show what is doing to facilitate this desirable object. It is deserving of consideration whether the Registers should not be required themselves to keep up a Mouzawar Index on the same principle as that kept by the Collectors, which should be always open, and in which brief reference should be entered as deeds are registered.

3rd. Whether it is easily available for reference to persons having occasion to examine it—8, 9 and 10.

11. The Lieutenant-Governor concurs with the Court on this subject, and does not apprehend any risk from the enactment. The provisions are not likely to come much into immediate use in these provinces.

4th. Whether Act IV. of 1845, may not have incurred the liability of a fair title to property becoming void by some undiscovered act of registration, paras. 11 and 13.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

REGISTRATION IN COLLECTOR'S OFFICE.

No. 2793.

To G. F. Edmonstone, Esquire,

Register, Court of Sudder Dewanny Adawlut,

Agra.

Dated Head Quarters, June 30th, 1847.

Sir,

Judicial Department.

I am desired to acknowledge the receipt of your letter, dated March 17th last, reporting on the operation of Acts XIX. 1843 and IV. 1845, regarding the registration of deeds, and to request you will refer the Court to

the accompanying copy of my letter to the Secretary, Government of India, as containing the Lieutenant-Governor's view on the question there discussed.

2. In para. 9 in your letter the Court have suggested that the records of the Collector's Office might be made auxiliary to the Register's Office, so as to afford additional security for the attainment of the important objects contemplated by the registration of deeds. The consideration of this question lies entirely within the province of the Local Government, and demands separate and immediate attention. It is therefore made the subject of this communication.

3. The system of Record and Registration established in the Collector's Office, under Regulations XXIII. and XLII. 1803 has been explained in the Board's Circular No. III., and will be found described more at length in the second part of "Directions for Collectors of Land Revenue," now under preparation;—trial copies of which have been in circulation for the opinions of public Officers. The general features of this system may be briefly noticed.

4. The documents on record in the Collector's Office regarding each Mouzah are placed together in one bundle, with an open fly list, and there is a Mouzahwar Index, where all the documents are entered under convenient heads.

5. There are separate Mehalwar Registers showing the changes in the proprietary possession of the land, and Mouzahwar Registers showing changes in the nature and incidents of the property.

6. The system, if rightly carried out, ensures that every actual change of proprietary possession, whether rightful or wrongful, must be shown in the Collector's Office, with a detail of the grounds on which it rests so far as they are capable of ascertainment, and the mode in which it was effected.

7. Whenever therefore a registered deed becomes the occasion of an actual transfer of the property of a person paying the revenue direct to Government, some notice of it will be found in the Collector's Office, whether or not the register have complied with the provision contained in Clause 7, Section 24, Regulation XLII. 1803, which requires him to "furnish the

Collectors with the particulars" of all such deeds. An entry of the transfer will be found in the Malgoozaree Mehalwar Register, and the proceedings recognizing the transfer will be found in the Record Office put up in the bundle with the other papers of the Mouzah, and referred to in the Mouzahwar General Index.

8. But if it be provided that whenever a deed is registered, the register shall send a copy of the deed and of all papers connected with it to the Collector of the district, with a separate Roobukarree for each deed, effectual provision will then be made for lodging a notice of such deed in a place, where it can be found readily and with certainty. This will merely require to be endorsed by the Collector with an order that it be lodged in the Record Office where it will form a separate Missul in the bundle of the Mouzah to which it belongs, and will be entered in the fly list and in the Mouzahwar General Index under its appropriate head. It will then be at hand for ready reference if actual transfer be founded upon it. This will be preferable to the plan suggested by the Court of causing the registers on the 1st of each month to send an extract from their Indexes to the Collectors, because it is better adapted to the arrangement of the Collector's Record Office, and ensures the attainment of the object without any alteration of the existing system. It may also be remarked that this plan affords additional precaution against the falsification of deeds in the Register's Office, which, from the purport of para. 4 of the Judge of Barrelly's letter to you, is evidently an event of very possible occurrence. This plan will certainly entail more labour on the Register's establishment, but the operation is entirely mechanical, and one which is well covered by the liberal fee required on registration. Copies of the Indexes might also be sent as proposed by the Court, and would enable the Collector to check the receipt of the copies.

9. There would still remain an apprehension that when the deed related to several Mouzahs, or to several Mehals, a clue to the document might only be found under the name of one Mouzah in the Collector's Index, and thus escape detection. This would only be the case, where the deed did not become the

ground of an actual transfer in the Malgoozaree Register. The number of such cases would not be numerous, and it might be provided that in such cases a paper of reference to the document (Jakur) be put up with the records of each Mouzah mentioned in the deed. The register might be told to request, in his transmitting Roobukarree, that this may be done, and the Collector may be enjoined to comply with this requisition.

10. Specific minimum penalties for the careless neglect of these precautions may be fixed, leviable on the Registers or on the Collector's Serishtadar or Mahafiz Duftur, as the case may be. The Judge and the Commissioner of Revenue may be required to see that the provisions are maintained, and to impose appropriate penalties for their neglect.

11. If the enforcement of these rules can be assured, two separate systems and establishments will be employed in maintaining the registry complete, and in facilitating reference to the entries. This seems to be as much security as can, under any circumstances, be obtained.

12. The establishment of this system will remove many of the objections which might be urged to the establishment of Registry Offices in every Moonsiffee. It would prevent the falsification of documents, and lessens the liability of a fair title to property becoming void by some undiscovered act of registration in one of the numerous subordinate Offices.

13. A copy of this letter will be furnished to the Sudder Board of Revenue who will be requested to place themselves in communication with the Court, in order to frame such Circular Instructions as may seem calculated to give effect to the Court's wishes.

14. With reference to the Court's proposal that Registry Offices should be opened at the several Moonsiffees, I am desired to observe that the arrangement of the Civil jurisdictions, under the resolution of Act XXX. 1837, should be completed before the general adoption of such a measure. The Lieutenant-Governor requests that he may be favoured with a list of the districts in which the arrangement of the Moonsiff's jurisdictions is still incomplete, and of the period which is likely to elapse before their completion is reported.

I am, &c.
J. Thornton,
Secretary to Government, N. W. P.

KHARIJ DHAKHIL CASES IN JUGGUTPORE, BARRELLY.

No. 5159.

To the Officiating Secretary,
Sudder Board of Revenue, N. W. P.
Agra,
Dated Lieutenant-Governor's Camp, 4th December, 1846.

Sir,

Revenue Department. The Lieutenant-Governor has had under his consideration, the case of Mouzah Juggutpore in Zillah Barrelly, part of which was sold by Tunsook Rai to Mussamut Bunnoo, as detailed in the papers forwarded with the Board's docket of October 30th, No. 531.

2. The case does not touch upon the question which was believed to be involved in it, when the Lieutenant-Governor made his note of November 29th, 1844, upon Himmut Singh's petition. Still the practice of the Revenue Courts in Kharij Dhakhil cases is of so much importance, and is capable of such illustration from the facts here mentioned, that the Lieutenant-Governor desires me to offer the following remarks for the Board's consideration.

3. If, as was apparently the case, the two portions of Mouzah Juggutpore were perfectly different Mehals, the claim of pre-emption raised by Himmut Singh and other owners of the unsold portion was groundless, so far as lay within the cognizance of the revenue authorities. The settlement Officer, in taking but one administration paper from the two separate Mehals, had committed an error, and had travelled beyond his jurisdiction. The Collector should abstain from acting upon such an erroneous declaration, and the record should be corrected.

4. It appears, however, that the transferred portion of Mouzah Juggutpore was a part of Ilakah Julalpore, the whole of which belonged to Tunsook Rai. This individual after having mortgaged the whole to Peetum Rai, who thus became Malgoozar, sold his remaining rights to Mussamut Bunnoo, and applied to the Collector for mutation of names in the register. This the Commissioner disallowed, on the ground, that Tunsook Rai had mortgaged the Ilakah to Peetum Rai. It does not appear on what ground the Revenue authorities could refuse to recognize and record the transfer of a right which was undoubtedly vested in Tunsook Rai, and which he was competent to transfer. Such mutation would not at all affect the position or rights of the mortgagee. He would continue Malgoozar. The equity of redemption would pass to the purchaser, who could only redeem the mortgage and obtain the management of the estate by the consent of the mortgagee, or under authority from the Civil Court. It may be the case that the existing form of register prescribed by the Sudder Board does not make provision for the appropriate exhibition of this transfer in its columns, but that is a cause for correcting the form of register, and not for denying the recognition of a legal right which undoubtedly exists.

5. In paras. 3—6 of his letter of October 13th, 1846, the Commissioner has discussed the question, which was supposed to be involved in this case, viz. the course to be followed by the Collector when, in the case of the transfer of an undivided Puttee of an estate, the right of pre-emption is claimed by another Putteedar. It is probably the practice, as the Collector and Commissioner represent, that the seller and purchaser apply for mutation of names before the actual transfer. Objections should be received. If no objection is made, or if only an evidently frivolous and futile objection is made, the mutation of names and actual transfer are made simultaneously. If an objection is made on any valid grounds, such for instance as this supposed right of pre-emption, the Collector then refuses to register the mutation, till it can be shewn that the objection has been actually over-ruled or ratified, and the transfer effected. If this is proved the mutation must be made.

6. There is much to recommend this course. The application

to the Collector, and consequent proclamation is an advantageous mode by which the parties may satisfy themselves that the right of transfer is undisputed. It prevents fraudulent and clandestine transfers. On the other hand if objections are raised of a frivolous nature and such as cannot obstruct the power of transfer, the Collector can set them aside, and can recognize the transfer, on the understanding that it is simultaneously carried into effect by the mutual act of the parties. But if the objection be of a nature which offers legal impediments to the transfer, he delays the recognition of the transfer till he has satisfactory proof that it has been actually effected, and that the objecting party has no other resource for its abrogation than by suit in the Civil Court.

7. Thus opportunity is granted to all parties to state their pleas, the fidelity of the register is maintained, and the Collector is debarred from any interference with the free acts of persons concerned, which lies without his jurisdiction and is the proper prerogative of the Civil Court.

8. The Lieutenant-Governor is prepared to take into consideration any objection, which the Board consider may exist to this course. Otherwise he would wish a copy of this letter to be forwarded to the Commissioner, and he will take an early opportunity of embodying the principles it contains in an authoritative publication which is now under consideration.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

ADMINISTRATION OF KHYRAGURH IN ALLAHABAD.

No. 3794.

To the Secretary Sudder Board of Revenue,
North Western Provinces,
Agra.

Dated Agra, the 30th August, 1844.

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letters, Nos. 354 and 355, dated the 19th ultimo, regarding the measures for the realization of last year's revenue from Pergunnah Khyragurh, Zillah Allahabad.

2. The settlement of this Pergunnah was formed about seven years ago mostly with the Biswahdars, a very liberal compensation being made to the Talookdar for his rights in those villages from which he was excluded. Since that time no objection has been raised by one party or the other. The settlement has long ago been reported by the Collector, recommended by the Commissioner, forwarded for approval by the Board, confirmed by the Government, ratified by the Honorable Court of Directors. The equity of the proceeding has remained unimpeached to the present day, and it is mere idleness to raise a controversy on that ground.

3. The Lieutenant-Governor is well apprised of the real state of circumstances as regards the Pergunnah, and it is necessary fairly to look them in the face and meet the difficulty. It is because there appeared to be a disposition in the Board's former reference to avoid the real question, and to attribute the failure of revenue to a partial and accidental rather than to the true and actual cause, that the orders of April 19th last were expressed in the strong terms that were used.

4. The Pergunnah of Khyragurh is poor, irrigation difficult, climate insalubrious, crops precarious, people indigent. Under any circumstances it is difficult to realize with regularity any fixed sum from it. In most seasons there will be failure in some villages; in many seasons the failures will be extensive. The knowledge of this no doubt led to the formation of the

villages into a Talooka, which was made over to some man of influence and enterprise for a certain sum, and became hereditary in his family. Where individual rights in the villages were of such small and precarious value, the evidence of them would naturally be weak and the traces faint. The management of the Talookdar had not been successful. Little progress has been made since our acquisition of the country in the improvement of the land. Much of the failure may have been owing to the want of energy and resource on the part of the Talookdar, but the difficulty of effecting improvements was probably increased by the ease of obtaining and securing land in the richer country on the banks of the river, owing to the new value given to such property by the introduction of our rule.

5. In the settlement of 1837, the Government, in the exercise of that right which it undoubtedly possessed, determined to set aside the Talookdar in all villages of which he was not the clear and undoubted proprietor; to make the settlement of those villages with the village residents, or those who seemed to possess the best claim; and to give him a liberal compensation for his right. This was done to the content of all, and it is believed that the position of the Talookdar has been thereby greatly improved.

6. It was hoped that the village owners would be stimulated by the desire to improve a property which they could call their own, and that the substitution of industrious small holders, for one large unenterprising manager, would lead to an improvement of the resources of the country.

7. The experiment has not hitherto been successful. The Government has been saddled with the charge of a large annuity to the Talookdar, it has been shut out from any increased share in the produce of those villages which have been productive, and it has had to bear the loss of those villages which have suffered. The people are still poor and void of all energy. This is rightly described by the Collector to have been no fault of the settlement, which was light and fair. It is the natural result of the circumstances of the country and the character of the people.

8. The question for consideration is, how this state of things

is to be remedied; the productive power of the land increased, the character of the people raised, and thereby the revenue of the Government, and the resources of the Country improved?

9. A report which has just been received from Major Dixon in Ajmere shows how a similar difficulty was met and overcome by that very meritorious Officer in Ajmere, as it had been before in Mhairwara.

10. The Khalisah villages in Ajmere had long been declining. Their history to a period just preceding Major Dixon's assumption of the charge is well known to the Board from the printed report of Colonel Sutherland, dated January 26th, 1841, which is in their hands. A fair settlement for a term of years had been made, but it was not realized. Every failure of rain, or fall of hail, or accident of any sort, was made the pretext for withholding revenue. The land was badly cultivated, the people were poor and demoralized, the revenue of Government was falling off.

11. It is cheering to contrast with that state of things the circumstances of 1843-44, as detailed in the accompanying extract of a report from Major Dixon, dated the 27th ultimo. The picture is known not to be overdrawn, and there cannot be a better proof how much the prosperity and the respectability of the people depend upon the exertions which the Collector may make. In the year under review, although the locusts had destroyed almost all the Kureef, a revenue was raised without any distress to the people under a system of Kham management, exceeding not only that of the preceding years, bnt even that of the settlement.

Paras. 1—8.

12. This effect has been mainly brought about by the formation of artificial reservoirs where the water is retained for purposes of irrigation. But it has also resulted from a hearty and benevolent interest in the people, a thorough mastery of all their concerns and circumstances, a never-tiring devotion to their good. Without this, the mere construction of reservoirs would have been ineffectual. The people required not only to have the means of improving their condition placed within their reach, but they had to be taught how to avail themselves of those means, and encouraged to use them.

13. The circumstances of Khyragurh doubtless differ from those in Ajmere, and perhaps from those too in Mhairwarrah. But a similar spirit will find the means of working out a similar end. If the Government set aside the person, who might have been the capitalist and manager of the land, it must lay its account to much increased labour, some expenditure, and some risk. It has a right to claim at the hands of its servants increased devotion to the work, and more careful enquiry into the means and appliances for improving the country.

14. It is far from improbable that Khyragurh possesses facilities for artificial irrigation very similar to those in Ajmere. If so, encouragement should be given to their construction, and judicious assistance given in the way of Tuccavee. An active and minute moral control has to be established over the people. The diligent have to be encouraged, the idle to be punished, the unfortunate relieved, and the prosperous supported.

15. If this can be effected, the restoration of the pergunnah is ensured. How far it may be within the reach of Mr. T. P. Woodcock personally, or of any person holding the laborious appointment of Collector and Magistrate of Allahabad, admits of doubt. What cannot be done in one's own person, may be effected through the instrumentality of another, and a public Officer may win for himself a well deserved reputation by training up and directing the efforts of a subordinate to the performance of a duty which his other more important avocations preclude him from effecting himself.

16. The object of the preceding remarks is to point out how an end has been obtained similar to that proposed for attainment in Khyragurh, and how it may probably be obtained there also. It remains for the local Officers to apply themselves to the adoption of the means at their disposal for the accomplishment of what is required.

17. The remission of the balance outstanding upon the rubbee of 1843-44, amounting to 6,202-9-0 is sanctioned as recommended by the Board, on account of the injury caused by the hailstorm. The Board are likewise requested to carry out the proposed farms, or transfers of the estates or shares of defaulters, according to the usual rules in force for such processes.

18. Four copies of Colonel Sutherland's printed report on Ajmere are forwarded herewith, and the Board are requested to furnish the local Officers with copies together with a copy of this letter and its enclosure.

I have, &c.

J. THORNTON,

Secretary to Government, N. W. P.

CUSTOMS AND ROADS IN CENTRAL INDIA.

Minute by the Honorable the Lieutenant-Governor of the North Western Provinces.

Separate Revenue Department.

Head Quarters, the 10th August, 1847.

In para. 2 of Mr. Secretary Currie's letter of 24th October 1846, No. 179, it was intimated that the Right Honorable the Governor-General deferred coming to a decision regarding the proposal for abolishing the levy of Customs duties in the province of Ajmere, till I had visited the district, and conferred on the subject with the Officers on the spot.

2. In para. 11 of Mr. Secretary Thornton's letter of January 5th last, written after visiting Ajmere, it was stated that the result of the conference with the local Officers had been to induce a change of opinion, and that I was no longer prepared to recommend a remission of the duties in the present state of circumstances.

3. In order to explain the grounds on which this change of opinion rests, it is necessary to enter at some length on the subject of the Customs duties levied at present in Rajpootana and Central India.

4. In doing so, it will be my endeavour to point out the evils of the present system, to suggest means by which those evils may be mitigated or removed, and to show that till the proposed measures, or some that shall be equally efficacious, are carried into effect, it is not advisable to make any alteration in

the present system of levying duties of Customs in the Ajmere district.

5. The tract of country to which the present remarks apply is that which is bounded by the districts of the Bengal Presidency on the north and east; by the districts of the Bombay Presidency and the Nizam's Territory on the south, and by the desert on the west. This tract is divided into several independent principalities, the relations with which are conducted through Lieutenant-Colonel Sutherland, the Governor-General's Agent at Rajpootana; Mr. R. Hamilton, the Resident at Indore; and Lieutenant-Colonel Sleeman, Agent to the Governor-General in Bundlecund and in Scindiah's dominions. Some of these principalities are of considerable extent, and yield a large revenue, but others are of very insignificant size. All are of a very irregular form, and many of them consist of disconnected parts, separated from each other, and intermixed with the lands of other states.

6. No interference has hitherto been exercised on any systematic plan with the Customs revenue of any of these states. They have generally been left freely to regulate these matters as they thought best, and it was only on the representation of some grievous and intolerable exaction that the British Political Officer has sometimes interposed, with a general caution against extortion, and a recommendation of redress to the aggrieved parties. Such cautions are generally understood as warnings, and such recommendations as authoritative directions.

7. Native states are jealous of all interference in their Sayer or Customs duties. They consider the power of levying such duties the peculiar prerogative of sovereignty, and the badge of independence. Hence each independent State arrogates to itself the right of regulating the customs in its own Khalisah lands; and the petty dependant feudatories claim and exercise the same right within their own lands, as soon as they consider themselves sufficiently strong to do so with impunity. Besides all this, religious communities or mendicants consider the trade of the country a fair source of profit, and often extort a considerable income by addressing themselves to the superstition, or to the fears, of the merchant or traveller.

8. But not only do the impositions upon trade vary accor- ing to the strength of the central Government, but also accor- ing to the caste, rank, or influence of the travelling merchan The immunity from all taxes which used to be enjoyed by t privileged classes of Charuns and Bhats, (the bards of Rajpu- tanna) is now greatly reduced. Still these persons often esc duties which are unrelentingly exacted from less sacred char- ters. Merchants of large capital and great influence are able compound at favourable rates for the duties on their goo Those who have sufficient time and tact for the purpose, bef they decide upon their route, will bargain with the authori along alternative lines of communication, and choose that m where they can pass with the lowest duties. The burden fal so heavily upon the petty dealer, that he is almost exclud from the market.

9. Most states farm their Customs revenue to some gre merchant. In such case the lease is taken not simply for th fair levy of a fixed tariff, but for the power of commercial mon- poly which the farmer thus obtains. His own goods, or th goods of any friendly or submissive trader, may pass free or payment of reasonable duties; but any independent merchan who should seek openly and fearlessly to compete with him i the market, would be certainly ruined.

10. All these circumstances render it difficult to determ what is the tariff in any State, or even to fix what are the du to which trade in general is exposed in its passage through th country. The utmost that can be obtained is a statement i gross of the receipts of a State from the Customs Departme and even this is seldom honestly or accurately stated.

11. Seith Manick Chund the Treasurer of the Jeypore State who farms the Customs of that and several other States, gave th following amounts which probably in round numbers are not fa from the truth.

	per annum.
Jeypore, (Khalisah and Thakoors,)	4,50,000
Meywar, ..., ...	2,80,000
Kishengurh, ...	43,000
Ulwar,....	75,000

Tonk,	15,000
Bhurtpore,	1,40,000
Bekaneer,	1,00,000
Kurrowlee,	24,000
Buseree,	3,000
Boondee,	87,000
Kotah,	1,32,000
Marwar,	3,25,000
	16,74,000

12. A few instances may show in a more striking manner the effect of these duties on the commerce of the country and the comfort of the people.

13. Malwa, and the adjacent country, produces little grain. Opium is the article, to the cultivation of which the attention and efforts of the people are directed. They depend upon importation for their chief supplies of grain.

14. At Neemuch the grain comes from the Mart of Barah in Kotah, whence it is brought into the cantonment under a favorable Tariff fixed by Major General Sir D. Ochterloney when the cantonment was first formed.

15. The distance from Barah to Neemuch is about 120 miles. The 100 bullock loads contain about 262½ Maunds (270 imperial Bushels) and cost at Barah 520 Rupees Saleemshahee, and upon this quantity the following duties are taken in the States which are traversed.

Kotah,	37½	Saleemshahee Rupees
Holkar,	12½	ditto
Jubia Pattun,	6¼	ditto
Holkar, (at 3 places more)	5	ditto
Scindia,	free, since it came under British Govt.	

Total 61 Rupees or nearly 12 per cent.

16. At Mundissore, on the Western border of Malwa, grain is imported either from Bhopal or from Barah in Kotah. At the end of December last the price of the 100 bullock loads at Bhopal was 630 Rupees, and at Barah 531 Rupees. The distance from Bhopal was about 200 miles, and the fixed duty along that line 134 Rupees. The distance from Barah was 130 miles,

and the fixed duties 93¾ Rupees. The traders however admitted that the duties on both lines might be reduced by skilful bargaining.

17. The petty exactions of the inferior chiefs &c., vary according to the strength of the Central Government and the power of the trader to resist. In Malwa they are very much less than in Rajpootana, where the feudal Thakoors are always ready to take advantage of their power thus to swell their incomes. In Rajpootana the chiefs of Jyepore are perhaps the worst in this respect, and they would always be found the most violent opponents of any reform of the system.

18. Such being the state of the case in all the country which for many miles encircles Ajmeer, Major Dixon represented with much reason that little good could result from the abolition of transit duties, or their remission on any particular articles. Ajmere is not a district on the border of Rajpootana where large depôts of goods could be formed ready to be poured into the neighbouring country whenever an opportunity offered. Such are all the great marts on the British Frontier, viz. Bhewanee in Rohtuck, Rewaree in Goorgaon, Kosee in Muttra, Bah and Butysir in Agra, Calpee and Rajapore in Bundlecund, Mirzapore in the Benares Province. Ajmere is an insulated tract accessible only through the very countries in which commerce labours under the heaviest disadvantages. If the Ajmere duties were reduced or abolished, those on all the routes leading to it or from it, would be increased, and the money which would have come into the Ajmere Treasury would be diverted to the receipts of the neighbouring Chiefs. This has been the case in the article of grain. The duty upon it was many years ago abolished in Ajmere, but grain passing into or moving out of Ajmere has been since taxed more heavily than it used to be before.

19. The case of the Saugor and Nurbudda Territories, and of Neemaur, is very different. The former constitute a large tract of country which may in itself afford facilities for the transport of goods between distant states. Neemaur again, though a small tract, immediately adjoins Kandeish and the Bombay Territories, where there are no duties, and might

become a depôt for goods brought duty free from Bombay, and thus carried some distance in advance into the heart of Malwa. Besides which it may be the means, in communication with Scindiah's ceded district of Hindia, for opening a free communication between Bombay and Saugor or Jubbulpore.

20. It must also be remembered that the greatest part of the Customs Revenue in the Saugor and Nerbudda Territories was levied on Sugar and Cotton, both of which paid duty again on crossing the Frontier line near Mirzapore. At Ajmere all the cotton passes westward, and though Sugar is imported from the Gangetic provinces, yet it only reaches Ajmere after passing many foreign states, which levy more than the British duty, and on whose exactions it would be impossible to maintain any effectual control, as matters now stand.

21. It may however be remarked that the abolition of transit duties is not a measure which natives desire or appreciate. In our own provinces it has not been much applauded by the natives: in Ajmere they did not desire it. In Neemaur they were not thankful for it, nor could they appreciate its advantages. The benefit of such a measure is not palpable, nor at once apparent to the consumers; whilst the great merchants, who influence public opinion, deprecate a change which deprives them of a great advantage and exposes them to the rivalry of every petty dealer who can contrive to purchase a small investment.

22. If regard is had to the interests of commerce, they will be far more consulted by retaining the Customs collections in Ajmere, and by appropriating them, or even a part of them, to improving the roads, and more especially to opening the passes through the Aravulli Chain that separates Marwar from the rest of Rajpootana. This is a mode of improvement to which Major Dixon has not yet had time to devote his attention. But he is fully aware of its importance, and is now exerting himself with vigor. Already a thriving commercial town called Nya-Nuggur has sprung up under his fostering care near Beawur in the midst of Mhairwara, where, when British influence was first established, an almost impenetrable jungle served only to conceal bands of marauding Mhairs, and where now those very Mhairs are

thriving agriculturists, and support a spirited commerce. Major Dixon is taking measures for greatly improving all the passes which lead from Nya-Nuggur northward to Ajmere, as well as eastward into Meywar, and westward on to Marwar. I trust that the Governor General will favorably view such of these propositions as regard the province of Mhairwara.

23. It may however be proposed to the serious consideration of the Government of India, how long the system which has been described above, or rather the total absence of all well-regulated system, is to be allowed to prevail. The subject was much discussed during my late tour with all the intelligent natives whom we met, as well as with the European Officers. At Ajmere the representatives of the Rajpootana states were assembled around Col. Sutherland, in the sort of national council which he has endeavoured to form, and the question was propounded for their consideration. They all admitted the greatness of the evil, but were not prepared to suggest a remedy.

24. It is very evident that in the present state of the British relations with these States, no attempt must be made to effect a change, except with the concurrence of the States themselves, and this concurrence in order to be effectual must be cordial, and the result of conviction of its advantage.

25. It is also too much to expect that they would readily relinquish direct immediate Revenue for indirect ultimate advantages. They will not consent to a reduction of duties and present loss in the hope of future increased gains from greater traffic. Nor will they consent to relinquish their Revenue from the Customs, in the hope that their receipts from the land Revenue will thereby be ultimately swelled. Any scheme in order to be acceptable must contain reasonable assurance of the same receipts as at present, and on the same account.

26. The question will be simplified by entirely separating the town from the transit duties; but this will not be completely effected unless some bonding system can be devised under which goods can be unladen and stored in towns, and be freed from liability to town duties if they are exported in the same form in which they were imported.

27. The mode which most naturally suggests itself for

relieving trade from its present burthens is by the establishment of a customs league or Zollvereïn, either for the whole territory, or for such parts as could most readily combine. The Rajpoot States for instance might form a league by themselves. This plan was much discussed at Ajmere. The Vakeels from many of the States appeared to perceive its advantages, but they saw great practical difficulties in its accomplishment, and it must be confessed that these are great.

28. No native State attempts to levy a duty on a frontier line. The duties consist of small sums demanded at certain marts and posts where merchants usually pass. Thus the amount of duties generally varies according to the distance traversed. To levy therefore a high duty on any one frontier line would require not only a complete change of Customs system on the part of the States, but would also effect injuriously the large number of traders, who carry their goods for only a short distance.

29. Considerable difficulty would also be experienced in deciding the lines on which the duty is to be collected. If the combining States were merely surrounded by such a line, it would involve the sacrifice of a considerable amount which is now levied on the transit of goods from one State to another, e. g. the trade between the grain-producing and opium-producing states.

30. But the greatest obstacle would arise from the opposition of the petty Thakoors. It would be difficult to obtain from them any true return of their receipts. To compensate them for their losses would be expensive; and whether or not the compensation were given, it would be difficult to restrain them from further exactions whenever opportunity offered.

31. A more practical mode of effecting the object may be found by fixing on the main routes of Commerce, and regulating the duties upon them. It would be part of this plan to form good roads along these lines, so that traffic should be drawn to them not only by the improved regulation of the Customs duties, but also by the greater personal safety afforded by improved police, and also by the increased facilities for travelling and for the transport of goods.

32. Something of this sort has been already effected by Lieut. Evans, Assistant Bheel Agent under the direction of Mr. Hamilton, the Resident of Indore, upon that portion of the new Bombay road which lies between Indore and Scindwah on the frontier of the Bombay presidency. Duties on this line used to be collected at no less than twelve places, and "Cowry" or "Khoont" (petty dues to Bheel chiefs), at seven places more. The whole is now collected at one place and in one sum; and the proceeds, after deducting 10 per cent., are distributed amongst the several claimants in the proportion of the sums which they before separately levied. The 10 per cent is appropriated to the maintenance of a small establishment for checking the collection, for protecting the road, and for maintaining the ferry over the Nurbudda. The effect has been most satisfactory to the traders, who find themselves relieved from much vexation, and to the custom receivers, who find their receipts materially augmented. The effect on the Bheel chiefs has been particularly beneficial, for it has enlisted them on the side of good order, and shewn them the value to themselves of increased traffic and of personal safety through their country. The particulars of this interesting arrangement will be found detailed in a memorandum by Lieut. Evans which is appended to this minute.

33. The place where this experiment was tried was peculiarly favorable to its success. The formation by means of British skill, and partly at British expence, of the fine ghat or road through the pass in the Vindhyah range which is commonly known as the Ghara or Kilner Ghat, has drawn to that route a great deal of the commerce of central India, especially that of the valuable article of Opium.

34. Still the same might be done with considerable advantage in other parts of India, and when once the system was established and confidence was felt in its permanence, and in the honesty with which it is worked, competing lines would be formed, and a rapid change must without fail take place in the whole system of Customs administration.

35. Thus for instance the success of the experiment on the Ghara Ghat might be made use of, to induce the chiefs along some other line, down another of the mountain Ghats, to make a

similar arrangement, and even to incur some expence in improving the road. This would naturally draw to them much of the trade that would otherwise have gone by the Ghara Ghat, and commerce will be benefited and encouraged by its passage along the shortest line. Some rivalry may be excited between the States on the two Ghats, and even if they combine to act in concert, it may be possible to show them that by moderating their duties on certain articles, they may increase their receipts. All Indian duties are imposed solely with a view to the greatest financial return; and when the States can be brought to see their real interests, and to consult for their eventual good rather than for the mere gain of the moment, they will soon perceive that the wisest course is to be found in moderation, honesty, and good faith.

36. The British Government must take upon itself the task of bringing about these results. It is the only authority that can do so. Its ability to do so arises from its supreme and irresistible strength, and from the confidence that is generally reposed in its uprightness and firmness. When the British Government guarantees an arrangement between any number of states, the several contracting parties know that their engagements must be kept, and the traders feel confidence that they can enter on their speculations with certainty; but without such guarantee all these requisites for success would be wanting.

37. It is morally the duty of the British Government to exert itself in this manner, for it will contribute essentially to the welfare and prosperity of the States which are virtually dependant upon it, and which, by the payment of tribute or by some indirect contribution to the resources of the Empire, have a claim on its good services.

38. But not only is the British Government able to do much, and morally bound to effect what it is able, but it has also a direct pecuniary interest in effecting the utmost that lies in its power.

39. Improved customs arrangements in central India would materially increase the British Revenue from Customs. Central India consumes the sugar which pays duty on crossing the North-western British frontier line, and it supplies the salt and

cotton which is brought across that line. Increased advantages for the transport of those articles could not fail materially to stimulate the trade in them, every thing moreover which would facilitate the transport of goods through that country would greatly increase the consumption of sea-borne produce, which pays duty at all the Indian ports. English cotton piece-goods and woollens, as well as hard-ware and crockery, would be much more largely consumed than at present, if the customs duties presented fewer obstacles to their free and rapid transport.

40. But if, as is proposed, the customs arrangements be combined with the opening of good and practicable roads throughout the country, the interests of the British Government will be very materially affected, and economy greatly consulted.

41. The British Government stands in the position of the great conservator of the public peace of Hindoostan. Its political officers and its troops are the agents through whom it effects its objects. From this position it can never withdraw so long as it maintains any semblance of power. Whatever therefore enables it to administer these functions with economy and efficiency is so much saved to the State, and so much added to the public resources.

42. Now it cannot be denied that, for all purposes of civil administration or of military operation, it is essential to have perfect information regarding the country, and the means of ready access to all parts of it. If the formation of the Ghat Ghat transforms the wild Bheels who live in its vicinity from public robbers and marauders who require to be coerced by Military force, into peaceful cultivators who add to the wealth and prosperity of the country, the Government, in a mere debtor and creditor view of this branch of the subject, may be found to have well repaid themselves for a considerable outlay in the formation of the Ghat. Other measures no doubt are also necessary for the good Government of the country; but to all such measures, the opening of roads, where the person shall be safe, and the property secure and moderately taxed, is an important adjunct and a material aid.

43. Supposing it then to be admitted that the Government would be warranted in giving a certain degree of pecuniary

support to the promotion of this object, it remains for consideration how this contribution could be best rendered.

44. It is quite out of the question to contemplate the formation, throughout India in its present state, of metalled and highly finished roads, such as the Grand Trunk Road. There is not in fact, at present, trade which would warrant the formation of such expensive roads. All that is now wanted is the proper lining out of roads, and the smoothing of the surface, and the removal of great obstacles, so as to form good tracks for summer travelling. The present road from Agra to Mhow is a specimen of what such a road should be. The expence is small, the advantage is immense. The comfort and security of travellers is materially increased, and the people are relieved from the petty vexations attending requisitions for guides, repairs of carriage, &c. &c. which make them generally dread the sight of any large body of travellers.

45. But though the road in question is worthy of imitation in its construction, it has been much more costly than is necessary. The expence of the portion from Agra to Nurbuddah from 1838-39 to the end of 1845-46, for eight years is thus stated by the Military Board.

Staff salary of Officers,..................	68,050
Overseers and Establishment,...........	24,996
The cost of making road,................	1,60,059
,, of repairs, ...	25,510
Total,......	2,78,615

46. This heavy expence, borne in shares by the British Government and native States, has arisen partly for some expensive works on its line, and partly from the languid and formal manner in which the work has been carried on. If more freedom of action had been allowed to the Executive Officers, the same work might have been effected in a much shorter time and at less expence than has been the case. If any extension of the plan is to be effected, it must be in a very different method.

47. The one work, which the British Government must undertake entirely itself, is the survey of the country and laying

out of the road. Nothing but the skill, the industry, and the perfect freedom from partial or interested motives, which British Officers possess, will suffice for the efficient performance of this work.

48. If, over and above this, the British Government were to assign eighty rupees per mile for the formation of the road and twenty rupees per annum per mile for its repairs, and then to leave the political Officers to make the most of this by contributions from native states or from individuals of rank or wealth, very much might be effected and that very rapidly. Occasional aid might also be given for the construction of bridges, paved fords, and the improvement of mountain passes. This branch of expenditure would be best controlled by fixing its amount beforehand, say at one lac of rupees per annum, and by leaving the Superintendent to appropriate it as opportunities occurred. This amount might thus become the means of inducing the native states to lay out the same, or even a larger, sum in the same manner.

49. The Executive Officer who might be charged with the formation of the road should also be empowered to make arrangements for the collection of Custom dues along the line, and for the protection both of travellers on the road and of residents in its vicinity. To be enabled to perform these numerous and various duties with efficiency, he should not be burthened with many details, but should be allowed to work with considerable discretion under the superintendence of one superior in the Executive Department, and under the direction of the political Officer in his Civil duties.

50. It may be desirable to enquire what are the lines which most require alteration, and at what cost a scheme of the nature proposed could be carried out.

51. The line from Agra to Bombay is constructed, and under charge of an Officer, who might be in future restricted to the disbursement above proposed per annum, and might be allowed in communication with the political Officers to make the most of it that he might be able. The Customs arrangements made by Lieutenant Evans between Indore and Scindiah, might also be advantageously extended the whole line. This however

will require co-operation and arrangement between the Resident of Indore and the Governor-General's Agent with Scindiah, as the territories under charge of those Officers are greatly intermixed. The arrangements for the Police of the road are in many places good, and great attention has been paid to prevent the oppression of the people by troops or public Officers on their march.

52. The route from Agra to Ajmere is important, and the Jyepore regency under the direction of Major Ludlow are ready to assist in opening it; Lieutenant Morton (Engineers) will complete his survey of it next cold season.

53. A direct road from Agra to Neemuch would pass through the grain districts of Hurrowtee, and open them to the opium-growing districts of Central India.

54. From Ajmere, roads might be made to Hansi in one direction, and to Neemuch in the other, thus opening a route quite through Rajpootana, and if this were continued from Neemuch to Ahmedabad, a communication would also be established with the Bombay Presidency, through the heart of the Bheel country, in the neighbourhood of the cantonment of the Bheel corps at Khairwara. The civilizing effect on those rude people would be great.

55. From Mhow, a road viâ Bhopaul to Saugor, would form a line by which the grain of the valley of the Nurbuddah would find its way into Malwa. Another road might be formed viâ Oojein, Mehidpore, and Mundisoor, to Neemuch; and a road from Mhow, to Barodah, and Tunkeria Bunder, would afford facilities for the transport to the sea coast of the opium and other goods of Malwa.

56. For each of these nine roads, there might be required an Executive Officer with a salary of 400 rupees per mensem and 100 rupees for establishment, over all of whom would be required one Superintendent with a salary of 1,000 rupees, and 250 rupees for establishment. The expence would then stand thus :—

Road.	Distance.	Cost of construction @ 80 per mile.	Annual Repairs @ 20 per mile.	Annual Establishment.	Total annual expence.
1 Agra to Mhow,	385	constructed.	7,700	6,000	13,700
2 " to Ajmere,	228	18,240	4,560	6,000	10,560
3 " to Neemuch,	312	24,960	6,240	6,000	12,240
4 Ajmere to Hansi,	258	20,640	5,160	6,000	11,160
5 " to Neemuch,	158	12,640	3,160	6,000	9,160
6 Neemuch to Ahmedabad (Bombay),	218	17,440	4,360	6,000	10,360
7 Mhow to Saugor,	237	18,960	4,740	6,000	10,740
8 " to Neemuch,	161	12,880	3,220	6,000	9,220
9 " to Barodah (Bombay),	216	17,280	4,320	6,000	10,320
Total,	2,173	1,43,040	43,460	54,000	97,460
Add for Superintendent,					15,000
Add for interest at 5 per cent. on 1,43,040 cost of construction,					7,152
Total annual charge,					1,19,612

57. Thus for an expence which may be fairly estimated at about 1,20,000 rupees per annum, great progress might be made in improving the means of communication, and in promoting the interest of commerce throughout Central India. If to this sum another lac of rupees were annually appropriated for the promotion and encouragement of more expensive works, such as bridges, paved fords, the improvement of mountain passes, &c. the whole amount or 2,20,000 would be an insignificant percentage on the total collections on account* of Customs duties at Calcutta, Bombay, and on the North-West Frontier, all of which could not fail to be considerably augmented by the measure.

* Customs receipt in Bengal, 66.33.488
Bombay, 36.22.560
N. W. P. 58.03.764

Total in 1844-45, 1,60.59.812

The first two items are taken from the Financial letter, Government of India to the Court of Directors, dated July 3d, 1846, and the last from the Accountant's return.

58. This plan cannot perhaps be entered on at present to its full extent, if at all. When means and funds can be appropriated for its execution, and any considerable progress has been made in its accomplishment, then the Customs duties in Ajmere may be very advantageously abolished. But till this be the case,

or till some equally effectual measure be brought into play for the regulation of the Customs duties in Rajpootana and Central India, the abolition of the duties in Ajmere, or any material alteration of the present system, would be a gratuitous sacrifice of income without any adequate corresponding advantage to commerce.

J. THOMASON,
Lieutenant-Governor of the N. W. P.

MEMORANDUM.

On the opening of that portion of the new Agra and Bombay road between Indore and Scindwah, in November 1844, many complaints were made by the merchants of the inconvenience caused to them by the mode in which Sayer dues were levied: not the *amount*, although that is heavy, so much as the *manner* of collecting it was objectionable. It was levied at no less than twelve places, besides "Khoont" or "Coury" in seven places to Bheel-Bhoomeeahs, Turwees, &c.

To remedy these evils an arrangement was made, whereby the whole should be taken at one place, id est, on goods passing southwards at Maunpore at the head of the Kilner Ghat, and at Scindwah on those going northerly. The consent of the several States,* through whose territories the road passes, was with some little trouble obtained, and the Bheel claimants, whether Chiefs or Turwees, at once acceded to it. Duties are taken according to the annexed scales. During the first year, the collections were made by Karkoons, appointed for the purpose; but for the two succeeding years, they have been farmed out, with exception of opium, the duty on which is taken at Maunpore.

* Bumani.
Holkar.
Dhar.
Scindiah under British management.

The portion of the road from the Ajnar river, at the foot of the Ghara Ghat, to near the Nurbuddah,—twenty miles of hill and jungle, is under charge of two Bheel Chiefs, Bishen Sing and Fulleh Sing, who receive dues, which last year amounted to upwards of 1,000 rupees each. They are responsible within their limits for the safety of goods and travellers; being bound

either to make good the value of any property stolen, apprehend the offenders, or carry their traces out of their district. They again have at every two coss a small chokey, at which the Turwee of the village, in whose boundary it (the chokey) is resides. He receives Cowry which may average 40 rupees per annum, and is answerable to his Bhoomeeah.

A deduction of 10 per cent. on the nett amount yielded by the road is made yearly. From the funds thus obtained, the following charges are paid. A Chuprassee at each halting-place to assist travellers in procuring supplies, prevent the pressing of begarries, and protect the people from violence; three Karkoons, one at Maunpore. Boats for the Ferry are being built, and Serais at the several halting-places; as also wells where required in the jungle.

The plan has worked well. The merchants (the best judges) highly approve of it, and the inhabitants, not fearing violence, are slowly but certainly increasing in the villages at the halting-places.

H. O. EVANS.

MINUTE ON EXPORT DUTIES.

Minute by the Hon'ble Lieutenant-Governor of the North Western Provinces.

Separate Revenue Department.

Head Quarters, the 30th September, 1847.

The Hon'ble the Court of Directors in their despatch, dated April 22d, 1846, (para. 20) have proposed three questions.

First.—The abolition of export duties on all articles except indigo.

2. The rates of these duties are thus enumerated in para. 10 of the Court's despatch.

On Cotton, exported to any place except Europe, the United States, and British America,....	8 as. per md.
Sugar and Rum to all foreign countries, ...	3 per cent.
Indigo, ...	3 Rs. per md.

Silk—Raw Filature,........	3½ as. per seer.
Silk—Bengal wound, ...	3 " " "
All country articles not enumerated, ...	3 per cent.

3. The sums yielded by these export duties in 1844-5, were

Bengal, ... Rs.	13,62,430
Madras,............................	10,09,405
Bombay, ...	12,81,634
Total, ...	36,53,469

The principal items forming this amount, are

Cotton, ... Rs.	8,73,039
Indigo, ...	6,21,720
Rice, ...	3,34,817
Raw Silk, ...	1,95,886
Silk Piece Goods,..................	1,41,289
Saltpetre, ...	1,24,466

4. The proposal to relinquish the large amount of 36,53,469 rupees of revenue, rests on the impolicy of taxing the exports of a country. All taxation is injurious to the industry of a country. In order therefore to justify the reduction of any particular tax, it is necessary to show not only that it is in itself injurious, but also that it is more injurious than other taxes, and that the amount it produces cannot be applied to promote industry to a greater degree than would result from the abolition of the tax.

5. It does not appear that the export duties with the one exception of cotton are materially complained of. There are no representations on the part of the mercantile community that the pressure of these duties is injuriously affecting trade, or driving them out of foreign markets. On the contrary, trade is generally flourishing.

6. There is nothing objectionable moreover in the mode of levy. The duties are levied at small cost to the State, and with little inconvenience to shippers. No expensive additional establishments are required to make these collections, and no further trouble than the mere payment of the money is imposed on those who export the goods. In these respects the tax is as good a one as could be desired.

7. The internal trade of the country in its transit from place to place was exposed to vexatious imposts. Those imposts were abolished, and the export duties imposed in their stead. Goods now pass throughout the British territory by land or water almost without toll or duty. With few exceptions the roads are roughly repaired, and the internal navigation in some degree cared for, and the trade protected, with no other contribution to the finances of the State on the part of the merchants, than the duties levied on the imports and exports by sea. It seems equitable that the exports as well as the imports should bear their share of the contribution.

8. Supposing the question to be proposed, how in the present state of the country 36½ lacs of rupees could be best appropriated for the improvement of the trade and development of the industry of the country, I cannot conceive that the abolition of the exports duties would occupy the first place. Notwithstanding the large sums, which are now annually expended on the improvement of the roads without any direct return, they are still few in number, and generally very imperfect in construction. Very little has been done to improve the navigation of the rivers. The ports and harbours of the country have received little attention. The internal trade of the country in foreign States continues exposed to various obstructions and impediments, the removal of which might be negociated for and purchased. Trade would probably be more promoted by improving the roads, rivers, and harbours, or by purchasing the remission of the duties in foreign States, than by remitting the export duties.

9. I am disposed therefore to consider that the export duties generally are not to any great degree injurious to trade, that they are in their principle equitable, and that they constitute a valuable fund from which trade may be greatly facilitated and industry promoted. In opposition to these considerations stands the admitted fact that industry will be promoted and trade encouraged by the remission of export duties. It might still further promote industry and encourage trade to give bounties on the exportation of certain articles. Bounties on exportations are only a higher degree of favour and protection than the

remission of export duties. I cannot perceive that any arguments have been adduced in support of the former proposition, which might not be equally applied to the latter, and yet the latter could not be seriously entertained in the present state of our finance.

10. The duties on the export of cotton are an exception to the above. The merchants of Bombay have made strong representations regarding the decline of the cotton trade and have attributed this decline in part to the pressure of the export duties.

11. The chief export trade in cotton is to two markets, Great Britain and China. Exports to the former country are not subject to any duty, but exports to China pay 9 annas a maund at Bombay, and 8 annas a maund at Calcutta. The trade with Great Britain has fallen off in an equal degree with that of China, but from a different alleged cause. In the British market the American cotton wool has driven out the Indian cotton; in the China market the decline is ascribed to the competition of manufactured goods. American cotton wool has not been sent to China in any quantities.

12. These premises scarcely warrant the assertion that the export duties on cotton have contributed to the decline of the trade. Foreign cotton wool has supplanted Indian cotton wool in the market on export to which no duty is imposed; and it has not supplanted it in the market on export to which a very high duty is imposed. In order to prove that the duty has acted injuriously on the export to China, the merchants are driven to find a cause in the competition of manufactured goods with raw produce. The successful competition of foreign manufactured cotton goods with Indian manufacturers, shows how little the export duty has to do with the question.

13. The peculiar value of the cotton export trade from India consists in the importance of making Great Britain independent of the United States for its supply of cotton wool. This is an object for the accomplishment of which great sacrifices should be made. But independently of this object, the cotton trade is of no particular value to this country, and there is no great reason why it should be peculiarly favoured, or why it should

be exempted from that fair contribution to the finances of the country, which all other articles of commerce afford. India, sugar, and many other articles deserve as much favour as cotton, were it not for the importance of rendering England independent of a foreign country for the means of employing its manufacturing population.

14. As cotton exported to Great Britain pays no duty, the tariff in that respect can have had no effect in driving Indian cotton out of the English market, and requires no modification. If the diminished export to China arises from the competition in that market with British manufactured goods, it follows that the remission of the export duty will displace a certain amount of manufactured goods and be so far injurious to a valuable trade of the mother-country which all are anxious to promote. On the very showing of the merchants, there is some ground to hesitate before remitting the duty.

14. There is some reason to believe that the loss of the British market, if not of the China market also, has been occasioned by the relaxation of that skill and care in the cultivation of cotton and in its preparation which are necessary to make it suitable for the purposes of the manufacturer. Some persons are well persuaded that the United States have pushed their production too far, and caused the reduction of prices below a remunerating standard, and that it requires but little exertion on the part of Indian agriculturists and merchants to regain their position in the British market. Those exertions are now being made. Whatever will forward them is advantageous, and whatever will divert attention from them is to be deprecated. Now the remission of the export duties to China will favour that very branch of the trade, which there is no national object in favouring. Granting that the remission of the duty will enable cotton wool, such as it now is, to find an increased sale in China, one great stimulus to a further improvement of the staple will be diminished, and capital will be directed to the less hazardous trade with China. No doubt a general stimulus to the trade will promote the growth of the better as well as of the inferior cotton, but the above consideration will lessen the beneficial effect; and, in a very limited market like that of India, may

do so to a great degree. On these accounts the expediency of entirely remitting the present export duty on cotton appears very questionable.

16. The merchants complain and with reason that the present duty is fixed, and not ad valorem. The export duty, which was moderate when the price of cotton was high, has become oppressive now that it is low. The remedy is easy. The duty should be fixed at 5 or 3 per cent. ad valorem; and the local Government should be empowered to publish from time to time schedules of rates, adapting the ad valorem duty to the actual prices. This I believe is the case now at Calcutta with reference to other articles than cotton.

17. The 2nd point proposed for consideration by the Hon'ble Court is "the abolition of double duties on imports and exports on foreign bottoms."

18. The discriminating duty is the only protective feature of the Indian Tariff. It has been introduced not to favour any particular branch of commerce, but to protect British Shipping interests. Its effects on foreign commerce are prejudicial. It diminishes the trade with foreign ports, it provokes retaliation from foreign nations, it impedes that free communication and friendly feeling between neighbouring countries, which are most favourable to commerce. Here the principles of free trade are palpably infringed. Supposing that the interests of the ship-owners are in some degree promoted by the provision, sound policy forbids that the general trade of country should be taxed and impeded for the promotion of this, more than of any other great branch of natural industry. There is no apparent reason however to apprehend that our merchant ships cannot compete in a fair market with the ships of any other country, and the abolition of the discriminating duty may therefore be recommended without any fear of injury.

19. The 3rd point for consideration is "the publication of a general Tariff of duties for British India, the trade from port to port being left free and unrestricted in all articles, with the exception of salt and opium."

20. The abolition of the duties from port to port in India rests on the supposed exemption from duty of all inland trade

on the continent. Now that is very far from being the case. Inland trade is still considerably, and in many instances ruinously, taxed by states on the continent of India, which are nominally independent. The whole of Central India and Rajpootana is almost a sealed country. In Nagpore and the Nizam Territory, as well as in Oude, transit duties are levied. In the Saugor and Nurbudda Territories they have only just been abolished; in Mysore they are I believe retained. Along the North Western Frontier line, cotton and sugar are both liable to a transit duty.

21. The inland transit duties were abolished in British Territories, because they were found to be inordinately oppressive. They could not be collected without exposing trade to harassing search and detention at many posts, and without exposing travellers to vexatious inquisitions. The benefit from their abolition has been great, not from the mere remission of the amount which used to find its way into the exchequer, but from the removal of the impediments to the free passage of travellers and goods which the levy of the duties necessarily involved. Wherever, as in the case of the bulky articles of cotton and sugar on the North Western line, the duty could be retained without great injury to trade, it has been continued.

22. None of these objections which influenced the remission of the great bulk of the inland transit duties, are applicable to export duties by sea. Vessels on leaving our ports cannot be released entirely from control or examination. The degree of control and examination which is necessary for other purposes suffices to enforce the payment of the export duties without increased cost to the State, or any material increase of trouble to the merchants beyond the payment of the money. The duties once paid, there is no liability to further unnecessary or harassing detention. There is no better reason for abolishing these port-to-port duties than for removing the duties on cotton and sugar upon the North Western Frontier line.

23. When there are two alternative courses for trade by land or by sea, and one of them, (viz. that by sea,) possesses considerable advantages, partly from natural causes, and partly from the Act of the Government which encourages merchants

and ship-owners, and protects the high seas by its navy, there does not appear to be any sufficient reason why the State should not impose a moderate duty on the transport of goods by that more advantageous route. The case of competing lines of traffic by road and canal is somewhat similar. The Government at considerable cost makes the road and excavates the canal. On the former it levies no toll, because the trade of the country cannot bear it. On the latter it does levy a toll, which bears some relation to the greatest facilities for the transport of goods which the canal affords.

24. It would undoubtedly be better that trade on the canal as well as by the road, and on the sea as well as by land, should be free from all impost; but the Government must look for some return for its outlay on the country, and I do not at once perceive why the sea-borne traffic should be exempt from a contribution, the equity of which would not be questioned when imposed on boats that pass by a canal. The expenditure of the State may be more direct and palpable in one case than in another, but it exists in both cases. The revival of the days of Mahomedan misrule, and of the pirate Angrias' depredations, would almost as effectually annihilate the port-to-port trade as the ruin of the canal would destroy the traffic along its course.

25. These remarks apply of course only generally to the levy of duties on trade by sea from-port-to-port. I am quite unacquainted with the method in which those duties are levied. If their levy is unduly vexatious, they should be modified or abolished. Their amount may be so small that their maintenance is not of importance. In principle however it does not occur to me that their levy is unjust or impolitic.

26. As regards the general Tariff for all British India, there can be no question of the expediency of such a measure. It should be regulated entirely by financial considerations. A moderate duty on all articles which can bear it will benefit the exchequer and will enable the Government to devote sums to administrative improvements, which cannot fail to re-act favorably on trade. Where, as in the case of the cotton and sugar trades with Great Britain, an export duty would act unfairly on

the trade, or affect great national interests, the articles should be allowed to pass duty free.

J. Thomason,
Lieutenant-Governor, N. W. P.

CANAL CHARGES.

No. 4153.

To the Military Board,
Fort William.

Dated Agra, the 26th October, 1847.

Gentlemen,

Revenue Department. I am desired to return the bills forwarded with your letter, No. 3807 of September 17th, 1847, with the usual endorsement passing them, and sanctioning the charge they contain.

2. The Lieutenant-Governor has felt no hesitation in passing these bills, but he considers that the remarks on the subject recorded by your Board require some notice.

3. The works which are referred to in these bills are of the greatest importance to the welfare of the country. Their maintenance in an efficient state requires fertility of expedient and promptitude of action, which do not admit of previous calculation or accurate estimate. The execution of the repairs to these works is entrusted to Officers of competent judgment and unimpeachable integrity. A close supervision is exercised over these Executive Officers by a person on the spot, of great experience, high talent, and uncompromising rectitude. The result is that the works are maintained in a highly efficient state at a cost which is very inconsiderable when compared with their magnitude and the difficulties which beset them, or with the return they yield to the State.

4. When such men, so working, declare that "the work people cost" a certain sum, or "that the materials cost" so much, there is the highest possible guarantee, that the best

precautions were used to ensure faithful and honest expenditure. It is not easy to understand what further evidence on that point is attainable, even if it were desirable.

5. The Lieutenant-Governor does not find himself able to concur altogether in your Board's remark as contained in the passage cited in the margin.*

* "They are aware that the work must be executed, but that, as at present charged for, the reasonableness or otherwise of the rates mainly, if not solely, depends on the activity, zeal and honesty of the canal establishments employed by Executive Officers."

6. In the Department of Public Works in this country, the Government has at its command a superior agency of the highest intellectual and moral order, but an ignorant and dishonest subordinate agency. Its Executive Officers and its Superintending Engineers are, with few (if any) exceptions, men who are in every respect highly trustworthy, but the overseers and workmen require constant direction and minute supervision.

7. The charges in the Department depend not so much on the activity, zeal, and honesty of the establishments, as upon the control maintained over those establishments by the Executive Officers. Whatever facilitates that control tends to reduce the charges; whatever relaxes that control, by distracting the attention of the Executive Officers, is likely to produce frauds and embezzlements.

8. The whole efforts then of the Government, acting through your Board, should be directed to providing that the Executive Officers exercise this efficient control over their establishments, and that they are freed from all other questions which might draw them off from this their first duty. It is the province of the Superintending Engineer to see that this is done. His position gives him the best opportunities for ascertaining that the work is well done, and at the fair market rates.

9. But there is reason to apprehend that your Board (no doubt unintentionally and insensibly) have sometimes lost sight of this principle and, by trespassing on the province of the Superintending Engineer, have attempted to maintain a closeness of control and minuteness of check, which is quite incompatible with the nature of your position, and which is fatal to the efficient discharge of your functions.

10. For instance, it is no doubt necessary that your Board should have in your Office data whereby to judge of the reasonableness or otherwise of the charges for works which are of known dimensions, and specified conditions; and you have a right to expect that all causes of variation from the average standard should be stated and explained. But when you proceed to determine rates with a precision quite incompatible with the nature of circumstances, and when you tell Executive Officers that you hold them responsible to perform their work in conformity with those rates, you perplex and embarrass them, and you drive them to laborious equivocations by which they may square their actual results with your arbitrary standards, and you place them at once in the power of their subordinates. Experience daily shows how much peculation and dishonesty may go on with a general observance of your forms, and because those very forms divert attention from the actual necessary control. High-minded men are averse to take employment in the Department. Instead of presiding over a cheerful and efficient department, you have rendered your subordinates timid and discontented, and cast a slur on the Department which is undeserved by your own excellent intentions, or the established character of the Officers over whom you preside.

11. The Lieutenant-Governor is desirous, however, to add that the Canal Department has had less reason than any other to complain in this respect. Its management has been generally liberal and generous, and he believes that, as far as regards the public works, there is not a more efficient or better administered branch of the public service. It is because he thinks that he has lately perceived a disposition to swerve from this course, and to impose petty and unnecessary restrictions on the proceedings of able and honourable Officers, that he has thought it his duty to express his opinions thus fully, and at the same time to offer this explanation of sentiments which he has had occasion to utter on other occasions.

12. No country more requires the utmost exertions of scientific skill to develop its resources, than this in which your Board exercises its functions. In no country are the facilities greater for the prosecution of great public works, whether w

look to the talent and honesty of its superior agents, or the number and dexterity of its subordinate workmen. But the number of superior agents is limited; and the aim of the Government should be to employ to the best advantage, those who are at command. The Lieutenant-Governor is assured that the simple desire of your Board is to discharge with the greatest efficiency this trust which the Government has committed to you, and he recommends to your serious consideration the principles on which you should rest your operations.

I have the honor to be, &c.

A. SHAKESPEAR,

Assistant Secretary to Government, N. W. P.

SETTLEMENT OF RESUMED MAAFEES.

No. 1793.

To H. M. Elliot, Esquire,

Secretary, Sudder Board of Revenue,

North Western Provinces, Agra.

Dated Agra, the 11th May, 1844.

SIR,

REVENUE DEPARTMENT. I am directed to acknowledge the receipt of your letter, No. 156, dated the 9th ultimo, regarding the settlement of resumed Maafee Estates.

2. The Sudder Board of Revenue desires an expression of the sentiments of the Government on the following points.

First.—The terms on which resumed Maafee tenures are to be settled with the Maafeedars.

Second.—The cases in which the Maafeedars are to be admitted to settlement.

Third.—The period of currency of the settlement made with Maafeedars.

3. On the first point the instructions issued on March 9th, 1839, and quoted in para. 13th of your letter, sufficiently shew the wishes of Government. It is clear that the rule for fixing the jummah at half the annual

First.—The terms on which resumed Maafees are to be settled with the Maafeedars.

rent, enjoined in certain cases by Section 4, Regulation XIII. of 1825 as regards Bengal and Benares, and approved for the Lower Provinces in the despatch of the Hon'ble Court, dated the 21st April, 1841, has never been generally extended by authority to this division of the presidency. Nor indeed is the actual rental so generally ascertained under the present system of settlement, as to render the application of such a rule in all cases practicable.

4. It is, however, at the same time certain that the spirit of all the instructions for granting more favourable terms to ex-Maafeedars than to others, has been generally made known and acted upon in these Provinces. The very orders of March 9th, 1839, above alluded to, arose out of a proposition on the part of the Collector of Saharunpore to fix the demand upon certain resumed tenures upon this principle; so that it is difficult to understand on what grounds the Commissioner of the Meerut Division can now assert that a contrary system has prevailed.

5. It may be laid down as a rule to be observed, on future occasions of settling resumed tenures with the ex-Maafeedars, that where the actual rental is known, half that amount shall be demanded as revenue, instead of 70 per cent. which would be taken under other circumstances. Where the rental may not be ascertainable, the settling Officer may still bear the same proportion in mind, and regulate his demand accordingly.

Secondly.—The cases in which the Maafeedars are to be admitted to settlement.

6. The selection of the parties with whom the settlement is to be made must depend in a great degree upon the judgment of the settling Officer, exercised upon the circumstances of the particular case. But the general direction given in the 3d clause of para. 151 of the Board's settlement circular, viz. to refrain from disturbing the possession of the party who has the actual proprietary occupation of the soil, seems to be both consonant with the law, and with the general spirit of the rules laid down for the guidance of these Officers.

7. In the case of lands held under grants not Badshahee, Section 4, Regulation XXXI. of 1803, prescribes that the settlement shall be made with "the grantees or present possessors

This may be held to mean that the party actually in possession shall be admitted to engagements, and corresponds with the Board's rules above quoted.

8. If the question of abstract right as regards grants of the above description be considered, it will appear that whenever the grant has been made by the Zemindars themselves, the presumption will be strongly in favour of the proprietary right having been conveyed over to the grantee, and consequently being now vested in him or his successors. Where the grant has been made by an annual Farmer, Talookdar, &c. the presumption will be in favour of the proprietary right being still vested in the Zemindars to whom it originally belonged.

9. In tenures held under Badshahee grants, the law (Section 6, Regulation XXXVI. of 1803,) prescribes that the settlement shall be made with the "proprietor." In these cases too the presumption as to the proprietary right lies strongly against the ex-Maafeedar. But under the general tenor of the Regulations, which point out actual occupancy as the rule by which settlement Officers are to be guided in selecting parties to engage, the Board's rule above quoted of making the settlement with the Maafeedar or Zemindar, whoever may be in actual occupation, may be considered applicable to these cases also.

10. It will sometimes be difficult to determine the point of actual possession, which is to be the guide in the selection of the party entitled under the above rules to hold the settlement. Where the Maafeedar has cultivated the land with his own ploughs, or by ryots introduced by and dependent upon himself; where he has lived on the spot, has dug wells, planted trees, extended the cultivation, and spent capital upon the land, and has paid no Malikanna, nor given do-biswaee, to persons claiming the proprietary right, he will be considered to have been in possession in the sense required, whatever may have been the origin of his tenure. But where he has lived at a distance, and has left all the trouble and expence of management and of improvement to the original Zemindars, and, more especially, when he has been in the custom of granting them a lease subject to the payment of a fixed sum, the possession of the other party will be equally manifest. Between these two extremes, there will be

many doubtful cases in which difference of opinion will arise, and for which no determinate rules can be *a priori* laid down. The decision in such cases rests in the first instance with the Settlement Officer, who has the best opportunities for arriving at the truth, and whose opinion should not be over-ruled by the superior Revenue Authorities, except on the strongest grounds.

Thirdly.—The period of currency of settlements made with Maafeedars.

11. The period of the settlements made with ex-Maafeedars should be the same, notwithstanding the favourableness of the terms, as in the rest of the district or pergunnah where the land is situated. In the province of Benares this will be in perpetuity under Section 8, Regulation XLI. and Section 6, Regulation XLII. 1795.

12. The above principles are not propounded as new. It is well known that they have been generally observed in the protracted settlement operations which are now nearly terminated. A distinct avowal and confirmation of them was required, which has now been given. If it is supposed that they have been occasionally deviated from, it will be better not to call in question what has been already settled and confirmed by the authority of the time, but to be content with aiming at greater uniformity in present and future operations. The correction of such errors rests with the Civil Courts.

I have, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Extract from the Hon'ble Court's despatch, dated 17th June, 1846, No. 1. Note para. 52. We think that the rules laid down by the Lieutenant-Governor give every indulgence which can be reasonably claimed by the ex-Maafeedars, and approach, as nearly as circumstances admit, to those which have been acted on in the Lower Provinces with our approbation.

NAVIGATION OF THE GANGES.

No. 826.

To E. A. Reade, Esquire,

Commissioner 5th Division,

Benares.

Dated Agra, 26th October, 1847.

Sir,

General Department. I am desired to acknowledge the receipt of your letter, dated October 5th last, and its enclosures regarding the navigation of the Ganges, and to convey to you the thanks of the Lieutenant-Governor for the public spirit and intelligence with which you have discussed the question.

2. The Lieutenant-Governor is disposed generally to concur in the opinions you have expressed, and is decidedly of opinion that it will be advantageous to devote the season which is now commencing to the trial of the several experiments which you propose.

3. The Lieutenant-Governor has the fullest confidence in your discretion in the conduct of these experiments, and believes that the object in view cannot be better promoted than by placing them entirely under your superintendence, and vesting you with full discretion to make such disbursements as you may find necessary for their conduct.

4. The establishment proposed in your memo., amounting to 886 rupees per mensem, more or less, may be entertained, and such further contingent charges incurred as may be necessary. The expences will be defrayed on your countersignature by the Collector of Benares, monthly bills should be submitted to Government by you on the account and will be passed.

5. This arrangement will only extend to the end of June next, up to which period the proceedings will be entirely experimental, and the whole will then be open to revision and such adjustment as may be found necessary.

6. The Lieutenant-Governor is unable to place at your disposal any Officer of the Army for this duty, but he authorises you to select such agents as you prefer.

7. The superintendence of the whole works from Allahabad to Revelgunge is placed under you, for greater convenience of management; but you are of course at liberty to call upon any public Officer for aid who may be able and willing to render it. You can scarcely fail to find Major Boileau's advice and co-operation most valuable, and there is no doubt that it will be gladly rendered you. A copy of this letter will be forwarded direct to that Officer, and a more specific call would be made upon him for his services, were there reason to suppose that his situation or his other duties would enable him to devote his personal attention to the subject. The Officers and establishments in the department of public works will no doubt do whatever lies in their power to further the desired object.

8. A copy of your report and of these orders will be sent to the Superintendent of Marine in Calcutta, in order that the Government vessels and their commanders may be at your disposal, so far as may be compatible with the primary duties which they have to discharge.

9. As soon as the season draws to a close, the Lieutenant-Governor hopes to receive from you a report of your proceedings, and such suggestions as may occur to you for future operations.

I have, &c.

A. Shakespear,

Assistant Secretary to Government, N. W. P.

SCHEME FOR VILLAGE SCHOOLS.

No. 1089.

To F. Currie, Esquire,
Secy. Government of India,
Home Department,
With the Governor-General.
Dated Agra, the 18*th November*, 1846.

SIR,

GENERAL DEPARTMENT. I am desired to request that you will submit, for the approval of the Right Honorable the Governor-General, the annexed plan for the foundation of village schools throughout these provinces.

2. The grounds upon which the Lieutenant-Governor has been induced to recommend the adoption of this measure are the following.

3. Landed property in these provinces is found to be very minutely sub-divided, and the existing rights in the land are of many different kinds.

4. In prosecution of its duty the Government has made great exertions to protect these rights by defining their nature and extent, and by devising a system for their complete Registration.

5. The efficiency of this system depends on the ability of the people to comprehend it, and to take precautions that whatever affects themselves is accurately shown in the Registers. For this purpose it is necessary that they should be able to read and write, and should understand the elementary rules of arithmetic.

6. Statistical enquiries,* which have now extended over a great part of the country, show that the people are extremely ignorant, and that existing provisions for the education of the rising generation are very defective. On an average, less than 5 per cent. of the youth who are of an age to attend schools obtain any instruction; and that instruction which they do receive is of a very imperfect kind.

* An abstract of many of these will appear in the forthcoming report on education in these Provinces during the past year.

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7. The people are at the same time poor and unable to support school-masters by their own unaided efforts. It therefore becomes the duty of the Government to give them such assistance as may be best calculated to draw forth their own exertions.

8. The proposed scheme contemplates the endowment of a school in every village of a certain size, the Government giving up its revenue from the land which constitutes the endowment, on assurance that the Zemindars have appropriated the land for the purpose of maintaining a school-master.

9. This system is most in consonance with the customs and feelings of the people. The School-master will become a recognized village servant, elected and supported in a manner consonant with the usage of the village community.

10. An endowment in land is preferable to a money payment, because it gives greater respectability of station than a pecuniary stipend much exceeding the rent of the land, and because it connects the school-master with the community in a way which renders his services more acceptable to them than if he were the paid servant of the Government.

11. A Jagheer of from 5 to 10 acres of land will give a rental varying from 20 to 40 rupees per annum. This is in itself small, but for the Jagheer of a village servant it is handsome. In forty-seven villages of one pergunnah of Zillah Agra, the average holding of each proprietor is less than 15 acres, and on this they have to pay the Government assessment. Besides this, it is not desired that the endowment should constitute the sole means of support for the village School-master. He will still receive presents and fees in money, food, and cloth as is now usual, even if he do not receive a regular fixed payment for some of his scholars. All the statistical returns of the emoluments of School-masters show that their present emoluments are very small—so much so, that the addition of an endowment of 5 acres would place them in a state of comparative wealth.

See Mr. Mansel's printed Settlement Report, page 37, para. 36.

12. It is not probable that endowments will be made on the proposed plan to the full extent for many years; but it may be

well to enquire what is the utmost amount which the measure may finally substract from the income of the State.

13. The number of Mouzahs or villages in the Regulation Provinces is 79,033; and of these it appears, from an average of several districts, that 18,000 contain 100 houses and upward. The average jumma of land proposed to be thus alienated from the rent-roll is two rupees; so that, supposing a school established in every village of the size specified, the revenue of the State would be diminished to the amount of 1,80,000 rupees, if the endowment were of the minimum size of 5 acres; and of Rs. 3,60,000, if of the maximum size of 10 acres. The proportion, which these sums respectively bear to a total land revenue of four crores of rupees, is seven annas and fourteen annas per cent.

14. The number of villages containing not less than 200 houses is about 5,440; and if endowments were only given in villages of that size, the maximum contribution of the State would be reduced to a sum varying from Rs. 54,400 to 1,08,800, from about 2 annas to about 4¼ annas per cent. on the whole or Land Revenue.

15. The number of boys of an age requiring school education in a village with 100 houses, is on an average about 40, which is not larger than one man can properly teach. It is this consideration which led to the assumption of that sized village as the minimum in which Government would endow a school.

16. Although the possible maximum limit of the proposed endowment may seem large, yet, even supposing the whole to be demanded, it will never be felt. The rent-roll is believed to be annually increased in a much larger amount than this from causes constantly in operation, and if the effect of the measure be, as anticipated, to render property in land more secure and valuable than it would otherwise be, the cost to the State will be amply repaid.

17. It is the standing reproach of the British Government, that whilst it continually resumes the endowments of former sovereigns, it abstains from making any, even for those purposes which it considers most laudable. The present measure will in some degree remove this reproach, and that in a manner most acceptable to the people at large.

18. As however the measure does involve the sacrifice of some portion of the Revenues of the State, it is necessary that it should receive the sanction of the Supreme Government, and for that purpose it is submitted for the approval of the Right Hon'ble the Governor-General.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

SCHEME FOR FOUNDING VILLAGE SCHOOLS.

1. Whenever the Zemindars and majority of the respectable inhabitants in any Mouzah which contains—houses, shall wish to establish a school in their village, and permanently to endow it with a Jagheer for the School-master containing not less than 5 acres of land, they shall state their wishes in a written representation to the Collector of the district, and shall specify the lands which they wish to be set apart as an endowment.

2. The Collector on receiving this application shall satisfy himself of the sincerity of the desire on the part of the applicants, and of the fact of the proposed endowment, and shall then recommend to Government, through the usual channel, the remission of the public demand on the lands so appropriated, calculated in the mode specified in para. 29 Circular Order of Sudder Board of Revenue, No. IV.

At the average rate of the Government jumma and 10 per cent. additional.

3. The nomination of a School-master shall rest with the Zemindars and principal residents of the Mouzah, but no person shall be appointed School-master unless he fully understand, and is able to explain and give instruction in, Ram Surren Doss' four elementary books both Oordoo and Hindee. The Collector shall satisfy himself of the extent of these acquirements before he sanctions the appointment.

4. The Collector, or his Deputy, or Assistant, or any other person specially appointed by the Government for the purpose by public notification in the Gazette, shall be empowered to

visit these schools, and to ascertain that the endowment is faithfully appropriated to the support of the School-master, and that the School-master so appointed continues in the active and efficient discharge of his duties.

5. If the Visitor consider the School-master to have become inefficient or neglectful of his duties, he shall call on the Zemindars and other respectable residents to discharge him, and to nominate another qualified person. If the villagers will not accede to this requisition, he shall be competent, with the concurrence of the Commissioner, to resume the land for Government, and to levy from the village the full amount of the original assessment.

J. THORNTON,
Secretary to Government, N. W. P.

No. 816.

To G. A. Bushby, Esquire,
Secretary to Government of India,
Home Department,
Fort William.

Dated Agra, the 27th September, 1845.

SIR,

GENERAL DEPARTMENT. In reply to your letter, dated July 12th last, No. 463, I am desired to forward to you the accompanying copy of an additional circular letter, and of the series of elementary school books referred to therein.

2. The Right Hon'ble the Governor-General in Council will at once perceive that no high standard of education is aimed at in this scheme. The object is to seize upon a great and pressing want of the people at large, and to employ, for its remedy, an existing and appropriate, though an imperfect and defective, agency.

3. The great want of the most elementary education is daily felt Putwarries are scarcely able to write their papers intelli-

gibly, and the people are seldom able to read them or to check them. At the same time the people are beginning to be sensible of the value of this Record. People who are ignorant of reading are known to get extracts from the Putwarries' papers relative to their own rights, to carry them about with them, and to produce them for the perusal of those who can read when their rights are questioned.

4. Landed property in these Provinces is minutely divided. The portion of land a man holds may be small, and it may be difficult for an unpractised person to appreciate the nature of his right, but he well knows it himself, and clings to it with a tenacity which may be made the incentive to much that is good and useful.

5. Under former governments the inhabitants trusted for the defence of their rights to their own strength. Banded together in village communities, or enlisted under some powerful superior, security in their possessions became dependent upon their personal exertions in the common cause. A man's sword or his club was the best guarantee for his rights. There was no inducement to learn, and ignorance was of course universal amongst the peasantry.

6. The introduction of the present system of Government has altered this state of things. The supremacy of mere force is put down by a strong Police. An endeavour is made to substitute law and settled rule for previous anarchy.

7. This is no easy undertaking in such a state of property as has been described. The misapprehensions of the rulers, the fraud of the crafty few, and the ignorance of the many have caused, at various times, great wrong and injustice. An effort has been made to remedy this, and to promote a better understanding of the rights which the Government is bound by its position to maintain and respect. They have been defined, recorded, and an annual Registry of them established.

8. This is a great undertaking and, if it could only be accomplished with accuracy and punctuality, there would be little left to desire. But the right operation of the scheme is obstructed and retarded by the ignorance of those whom it is intended to benefit. The Registrars (i. e. the Putwarries) understand

imperfectly how to register; the people know not how to instruct or correct them. Hence, what was designed to prevent fraud, may promote it. The crafty, by falsifying the Record, may make it the very means of accomplishing their nefarious designs. But this will evidently be more difficult, in proportion as correct information on the subject is widely disseminated.

9. Here then is the want. It is universal, for it extends equally over all the country. It is great, for the ignorance is extreme. It is pressing, for the protection of right and prevention of wrong is the first duty of a Government.

10. The agency for remedying this want must be sought in the indigenous institutions of the country. It is impossible to organize at once over the whole country a new and foreign machinery for the instruction of the whole people. If the funds could be found, the feelings of the people would probably, not second such a scheme.

11. In Zillah Agra something more has been aimed at. An attempt has been there made to organize a body of Supervisors and Inspectors over the village schools, and to introduce into them books such as are in common use in European schools; but the success has not been hitherto commensurate with the expectation. There have been apparent amongst the people a suspicion of our motives, and a consequent backwardness of exertion on their part, which have surely indicated defectiveness of system. The final result, however, of this endeavour remains to be seen. It is necessary not only to work through the indigenous schools, but to give them books, such as they can understand and appreciate, and to rouse them to exertions through persons to whose influence they are accustomed, and whose suggestions they will readily adopt.

12. It is with these views that these treatises have been compiled, and that the powerful and efficient Revenue Establishments long established in the country have been chosen as the medium for disseminating the information, and drawing the attention of the people to the subject.

13. It is impossible to say to what results this effort may lead, if it be vigorously followed out. It is an appeal simultaneously made to the whole mass of the people; and, though

the instruction at present offered to them is elementary, yet it is a first and important step in the right direction; and it is no small object gained, if the people can be induced to take this step by their own effort. If it is successful, other and better instruction may be introduced through the same channels, and in a similar manner.

14. It will at once be perceived that this scheme has been formed at present without reference to the instruction now generally conveyed in village schools. Where such schools exist, they are generally for traders or the sons of the gentry, not for the peasantry. The two first books which it is proposed to distribute, convey in print what is now generally given orally; and the two last books are new, though the topics contained in them are familiar.

15. Information, however, regarding the books generally used has been obtained. The accompanying list of those in use in Agra is full, and is believed to be a fair specimen of the prevalent subjects which are studied. With these it is not intended at present to interfere.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

ADMINISTRATION OF KHYRAGURH.

No. 626.

To the Secretary, Sudder Board of Revenue,

North Western Provinces,

Agra.

Dated Agra, 18th February, 1846.

Sir,

Revenue Department. With reference to the remarks contained in my letters, dated 19th April and 30th August 1844, regarding the management of Purgunnah Khyragurh Zillah Allahabad; I am now desired to communicate to you the following instructions, which are the result of the observations

made by the Lieutenant-Governor during his late visit to the district.

2. The local features of the pergunnah shew the cause of the present embarrassment. A ridge of hills extending across the pergunnah divides it into two portions, the northern of which consisting of the whole of Talooka Chowrasee, a large part of Talooka Mandah, a portion of Talooka Korar, and one village of Talooka Diah, is fertile, rich and prosperous; but the southern consisting of Talookas Khurka and Burhohur, and the remaining part of Mandah, Korar and Diah, are hilly, of poor soil and very uncertain produce. It is evident that when these two dissimilar tracts of country formed parts of one Mehal, the losses in one part might be compensated by the gain in the other, and the total demand might be regularly paid. But when not only the two portions were separated the one from the other, but also separate engagements were taken for every village in the southern as well as the northern portion, the risk of loss was very much increased. However prosperous the bulk of the villages might be, some were likely to suffer from the accidents of season, or the management of the proprietors, and to be thrown on the hands of the Government so as to occasion loss.

NOTE.—The two portions may be thus contrasted.

NORTHERN PORTION.

	No. of villages.	Jumma including Huk Talookdarée.	Area.
Talooka Chowrasee,	136	1,25,390	51,169
Mandah, ..	123	43,664	48,460
Thorar, ..	29	21,283	20,043
Diah, ...	1	2,974-11	2,903
Total, ...	289	1,93,311-11	1,22,575

SOUTHERN PORTION.

	No. of villages.	Jumma including Huk Talookdaree.	Area.
Talooka Diah, ...	145-4 Bis	87,280-4	1,37,177
Khurka, ..	73	26,180	40,855
Burokur, ..	58-19	29,666	43,671
Mandah, ..	60-15	16,172	40,458
Thorar, ..	47-2	26,069	41,650
Total, ...	385	1,85,367-4	3,03,811

3. The likelihood of such a result was much increased by the character of the parties with whom the settlement was made. They were persons, whose proprietary rights had been long dormant. They had not been accustomed to manage their own property. In a poor country it was not probable that all would have capital, or the capacity for accumulating it. Whatever might be the state of the bulk of the villages, it was to be expected that some would fail. It was scarcely possible but that in a season of difficulty some would be disheartened, desert their lands, and leave their villages in the hands of Government.

4. The reality of the case corresponds with what might have been expected. In the northern portion of the pergunnah, the village proprietors have gained much by the change in their circumstances. They are in comfortable circumstances, their lands have increased in value, and the Government jumma is easily realized. In the southern portion, on the other hand, where the people are generally poor, many may have succeeded, but several have failed; their estates have fallen or are falling into disorder, and some have come and others are coming into the possession of Government in a state which may involve more or less of loss. Still, however, it is confidently asserted that out of the 385* villages comprised in the southern portion, the state of the 219 Mocuddumee villages is as a whole much superior to that of the 166 settled with the Talookdar. It is of no consequence to enquire now whether the arrangement which has caused *no* small loss to Government could have been avoided. The Government must be held to have performed an act of justice to the subordinate proprietors without any regard to the probable effects of such an act on the Government revenue. The loss, whatever it may be, must not be regarded; but the faith pledged to the subordinate proprietors must be

* *Classification of villages in the southern portion of Pergunnah Khyragurh.*

	No. of villages.	Jumma including Huk Talookdaree.	Area in Acres.
Zemindaree, ...	166	63,972	1,29,714
Mocuddumee, ...	219	1,21,395	1,74,097
Total, ...	385	1,85,367	3,03,811

kept, and the best arrangement which circumstances may admit must be made to meet the case.

5. The difficulty being thus apparent, a large discretion must be given to the Collector in his management of the country. Without supposing unusually bad or disastrous seasons, it may be expected that any partial failure or sudden calamity will force itself into notice. Before, when the whole Talooka was one Mehal, such a misfortune in one part might be compensated by prosperity in another part of the estate, and the average profit on the whole estate might remain nearly the same; but now a hailstorm, an inundation, a blight, or the absence of timely rain may bring ruin upon certain villages, though it may not affect others. Such cases will call for immediate remedy;—suspension of the demand, or the advance of Tuccavee, may be necessary to prevent the desertion of cultivators and irretrievable desolation of the village. Nor would it be right to require from the Collector minute personal enquiry and full statistical report in every such case. Reliance must be placed on his discretion in such respects, and he must be encouraged to exert himself to the best of his power, and to the exclusion of all unnecessary labour, for the amelioration of the pergunnah.

6. There is no reason to think that the villages in the southern division have been over-assessed. It may be the tendency of the present system of settlement to press more heavily on poor than on rich estates, but it is evident that when the yield of an estate is variable, and the proprietor poor, no sum that is not a mere pepper-corn rent can be realized. It is useless in such a case to attempt to support a poor or unthrifty proprietor. It is better to let the law have its course, to bring the village to sale for arrears of revenue, and to purchase it on account of the Government. Several villages have already thus been purchased, and others will soon follow. They should at first be held Kham, and managed in the best way that circumstances will admit. Irrigation should be introduced wherever it is practicable, and every possible inducement held out to cultivators to settle there. Good management may do much to restore the country. The circumstances of Ajmere and Khyragurh may not be exactly similar, but the management which

e surplus revenue in the one need not occasion the other. But it is not necessary that the t be continued long. It is not likely to be so ay of the Officers concerned in administering it make them interested in its maintenance. In a rich country with a large surplus produce many influences are at work to keep an estate Kham. But in a poor country, where little is to be made, and every petty peculation or fraud is sure to be exposed by a deficit in the balance sheet, and to be followed by enquiry and painful investigation, there is every inducement to the Officers of Government to free themselves from the incumbrance. Attempts should therefore be made to find proprietors for the villages. If the old Mocuddums will take them, and there is any prospect of their being able to manage them, they may be re-admitted, at first perhaps as Moostajurs on furnishing good security, but eventually in case of success as full proprietors. Or the estates may be offered to the Talookdar at the Mocuddumee jumma, minus the Malikanah allowance. If the Talookdar refuses to take them, strangers must be sought for, who will hold them for a time as farmers, but with the promise in case of success of ultimate confirmation as proprietors. In all such cases the outstanding balances may be liberally dealt with or relinquished; but caution should be used in re-admitting the old Mocuddums on less than the settlement jummas, for an opinion should not be allowed to go abroad, that the Government will reduce the jumma agreed to at the time of settlement. If such an opinion does get abroad, and the people think that by temporarily deserting their villages they may obtain a reduction of jumma in their favour, exertion will be discouraged, and extensive failure may be anticipated. It is far better to submit to a temporary loss in a few Kham villages than to discourage industry in the villages still held by the proprietors. If the latter are clearly and undoubtedly in distress they may be assisted by the suspension or remission of part of their revenues, or even by the grant of Tuccavee, but these indulgences should be given sparingly and with great caution.

7. These are the steps by which it appears to the Lieutenant Governor that the purgunnah may be best and most quickly

restored to a prosperous state, but in these, as in all other measures affecting it, a large discretion must be conceded to the Collector. He may discover other and preferable modes of proceeding, and if these require prompt decision he must not shrink from the responsibility of immediately adopting them. All that the Government can in such a case require is that he should state the grounds on which he formed his opinion, and show that he acted with justice and to the best of his discretion. So far as the interests of the Government are concerned they may unreservedly be committed to his hands on this understanding. The present Collector Mr. T. P. Woodcock has made every effort to inform himself of the real state of the purgunnah, and may be implicitly trusted to act towards it with diligence, fidelity, and judgment.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

STATE OF THE CURRENCY IN THE N. W. P.

No. 2356.

To J. A. Dorin, Esquire,

Secretary to the Government of India,

Financial Department,

Fort William.

Dated Agra, the 25th November, 1847.

Sir,

Financial Department. I am desired to acknowledge the receipt of your letter, dated January 8th last, calling for information regarding the state of the currency in the North Western Provinces and in the neighbouring native States, and to request that you will lay before the Hon'ble the President in Council, the accompanying copy of a letter on the subject from the Accountant, N, W. P., dated the 24th September.

2. The Hon'ble the President in Council will be glad to find that the new Company's Rupee has superseded the old cur-

rencies throughout almost the whole of these Provinces, and that the inconveniences which were represented by the Sudder Board of Revenue in 1832 to arise out of the state of the circulating medium have entirely disappeared.

3. This has been occasioned mainly by the large cash remittances which have been made of late years from the Calcutta Mint into these provinces, and by the continued efforts which have been used to withdraw the old coinage from circulation.

4. The Assay Office at Agra has facilitated the operation and has given valuable aid in many measures, which the course of political events have of late years rendered necessary.

5. The quantity of silver Bullion purchased at the Assay Office has been small,* and is not likely to be large, except in times of famine, or of other widely extended distress among the people.

6. Generally the Assay Office exercises beneficial influence in regulating the Bullion market. In times of distress its effects would be important. The expence of maintaining the Assay Office is small,† and there can be no question of the expediency of continuing it on its present footing.

7. The Lieutenant-Governor is of opinion that no local Mints are required. The economy and safety of conducting the whole of the Mint operations at a large central establishment like that in Calcutta are obvious. If greater facilities than at present exist are found necessary for throwing the coin into circulation, more Assay Offices and Bullion Depôts like that at Agra are the best means of effecting the object. The safety and ease of transporting Bullion and specie are now great and are constantly increasing. In proportion as they increase, the expediency of restricting the mintage to one large central establishment is augmented.

8. The question of the monetary condition of central India is of great interest, and was brought particularly under the Lieutenant-Governor's notice during his tour in the course of the last cold season. The Government of India possess full

* The value from August, 1840 to April, 1847, was only 2,77,676 rupees: v. Accountant's statement.

† The cost of the Assay Office, from its institution in 1840 to the present year, has been only 79,161 rupees or about 11,000 rupees per annum: v. note to para. 5 of Accountant's letter.

information regarding the foreign local Mints and the extent of the foreign coinage. It is unnecessary to allude to these subjects.

9. The inconvenience of numerous local currencies is great, and it is most desirable to introduce one general currency, which must be the British. The only question is, how this end can be best effected.

10. There is no doubt that the native States value highly the privilege of coining, which many of them possess. Even if this privilege were not secured to them by treaty, as in many cases it is, yet where the right had been long and uninterruptedly exercised, its denial now would be offensive and highly impolitic. The coinage of money is one of those prerogatives of power which cannot very materially injure the public, and which it is the true policy of the Supreme Government to leave in the hands of subordinate princes, till they are content voluntarily to relinquish it. The establishment of new Mints on the part of States which have not hitherto coined may be prevented, but those who have hitherto coined their own money should be influenced by other means than authority or compulsion.

11. It is now only twelve years since the British coinage has been placed in its present footing. During that period the monetary condition of our own Provinces has been completely reformed, and the little progress which may have been hitherto made in the introduction of our coin into foreign States affords no presumption that such will continue to be the case hereafter. It is only now that, after having provided for our own wants, (and perhaps even that not so fully as we ought) we are in a position to give our coin to foreign States.

12. Foreign States will probably relinquish their right of coinage, as soon as they clearly perceive that it is their interest to do so. It is not likely that they will maintain their Mints for the empty honour of the distinction if they find that the coinage is expensive, and inconvenient to themselves. It is not unreasonable to expect that they may before the lapse of a very long period find this to be the case, and therefore be disposed to relinquish the privilege in reality, if not in name also.

13. Money like every other manufactured article bears a

value in proportion to the prime cost of the material and the expence of the manufacture. That State which has the best command of the Bullion market, and the greatest skill in the manufacture, will so far have the advantage in throwing its coin into circulation. This advantage will be much enhanced if the State, which possesses it, has political supremacy and extensive commercial influence.

14. It is unnecessary to say that all these advantages are pre-eminently possessed by the British Government in India. Hindoostan yields an insignificant amount of the precious metals. It is almost entirely dependent for its supply upon importation; mostly by sea, and partly only by land. Whether the importation is by sea or land, the British Government has the choice of the market. No foreign Mints except Lahore and Kutmandoo can be reached without traversing its territories. In the former its power is paramount, and the latter is undeserving of regard. The British Government has therefore an advantage over foreign states in the Bullion market.

15. The resources of art enable it also to manufacture a better and more uniform coinage than any foreign State at a lower charge. As a circulating medium the Company's Rupee is a cheaper and better coin than any other Indian Rupee. It is uniform in its value, and there is a perfect confidence in its assay, which cannot be said of any foreign coinage.

16. As the supreme power in India, the British Government can insist on all transactions between itself and its own subjects, wherever situate, and between itself and all foreign dependent States, being in its own currency. Its own troops, or foreign troops which it subsidizes, are paid in British coin. Tribute need only be received in British coin, (unless the contrary be provided by treaty,) and loans which it gives or receives need only be in the same currency.

17. If then the Government wishes to discourage foreign coinages it would find little difficulty in driving them out of the market. Its Mint operations at present are believed to yield a handsome profit, or afford the fair prospect of doing so. The expectation of a similar or even much lower profit encourages foreign States to maintain their Mints. But if the British

Government be content to forego some portion of its profits and by offering better terms than at present for Bullion will endeavour to outbid foreign States, it is evident that they will remove the chief inducement to maintain the foreign Mints.

18. Native States usually farm their Mints—but when it is difficult to obtain Bullion, and when little profit is to be made by coinage, farmers will not come forward, and a privilege which is felt to be a pecuniary burthen and not a profit will fall into disuetude.

19. Supposing then the British Government to be desirous to introduce their coin into general circulation, and supposing that they have at their command a sufficiency of coin to supply the wants of all Hindoostan, the following measures will probably be found gradually and inoffensively to accomplish the object.

First.—The seignorage should be reduced to its lowest limits, either so as just to cover the cost of mintage, or even to risk some loss. A small seignorage, if it keeps the Mints in full work, is evidently preferable to a high seignorage which does not bring a sufficiency of Bullion to the Mint. The capabilities of the Mints should regulate the price to be offered for Bullion.

Secondly.—Assay Offices and Bullion Depôts (much on the same plan as that at Agra) should be opened, wherever it is peculiarly desirable to reform the currency. For instance the establishment of an Assay Office at Ajmere, where a good price would be given for foreign coins, would control all the Mints in Rajpootanah. One at Indore or Mundlaisur would withdraw foreign coins from circulation in central India, whilst another at Ferozepore or in the Jullundur Doab would bring under regulation, the currency of the Punjaub.

Thirdly.—All pecuniary transactions with foreign States should be only in British currency.

Fourthly.—Foreign States which had no Mints of their own might be influenced to declare the British coin to be the only legal tender in their own territories.

Fifthly.—Attempts might be made to induce foreign States which had Mints of their own to assimilate their coinage with ours in intrinsic value. This might be easily effected in States

which are completely under our influence, such as Lahore Gwalior, Indore, and Jeypore, but it should be done entirely by influence, and without pecuniary aid. The gratuitous offer of assistance either in the assay or mintage would cheapen the coin and encourage its production. The resemblance also should not extend further than to intrinsic value; soft silver is preferred in native Mints because it can be easily worked. It also wears more rapidly and is more likely to be melted down for use. These circumstances add to its expensiveness and facilitate its withdrawal from circulation.

20. Having thus stated the opinions on this subject which he has been led to entertain, the Lieutenant-Governor desires me to offer some remarks on statements contained in the Accountant's letter, a copy of which is enclosed.

21. The circumstances regarding the circulation of Gwalior rupees in the Agra district, and of Lucknow rupees in the city of Delhi, will be made the subject of enquiry. The Lieutenant-Governor was not before aware of what is here stated, and he is indisposed to believe that the selfish views of money-changers can for any length of time effectually resist the common sense of the whole community, and the legitimate efforts of the Government.

22. The alteration of the period for paying the instalments of the public revenue which is noticed in para. 9, has been fully explained in the Lieutenant-Governor's letter of June 15th, 1844, (Revenue Department) to the Right Hon'ble the Governor-General of India. In paras. 25-28 of that letter, the subject here mentioned is alluded to, and nothing remains now to be added. It is sufficient to observe that seven years have now elapsed since the alteration in question was made, and that no inconvenience of the supposed nature has been hitherto experienced.

23. In paras. 10 and 11, the Accountant mentions the state of the copper coinage. The evil is a minor one, but it presses most heavily on the poor who are least able to bear it. Resulting as this evil does mainly from the poverty and ignorance of those whom it affects, it is beyond the immediate reach of remedy from the Government. "An order" would have little effect in

introducing a uniform copper currency, and all attempts to enforce "the order" would produce far more hardship and suffering than could result from the want of uniformity. The Lieutenant-Governor is disposed to think that the Accountant's description of the large gains of the dealers in pice, and of their power to influence the market, is too highly coloured.

24. The marginal entry shows the quantities of new copper pice which have been annually imported into the North Western Provinces since the coinage commenced, and also the quantity in store in the different Treasuries on October 1st last. No difficulty has been experienced in throwing the coin into circulation. Within the last few years, the old Tirsoolee Pice have been entirely withdrawn from circulation in the province of Benares and in the Saugor and Nurbudda territories, and the new coin is every where still in great demand. The value of the total copper coin in circulation is perhaps not less than thirty lacs of rupees. As soon as the British Mints can supply this amount, it is probable that all the foreign pice will disappear from the circulation, and till the amount can be supplied it would evidently be unjust and impolitic to endeavour forcibly to regulate the currency in this respect.

In 1838-39, . . .	50,000	Rs. worth.
„ 1840-41, . . .	1,45,000	„
„ 1841-42, . . .	50,000	„
„ 1843-44, . . .	2,70,000	„
„ 1844-45, . . .	97,000	„
„ 1845-46, . . .	80,000	„
„ 1846-47, . . .	60,000	„
„ 1847-48, up to Sept., .	1,11,000	„
Total,	8,63,000	
In store in the several Treasuries on October 1st, 1847,	2,18,618	
In transit on that date, . .	81,000	
Total,	2,99,618	

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

STATE OF THE CURRENCY IN THE N. W. P.

No. 585.

To J. A. Dorin, Esquire,
Secretary to Government of India,
Financial Department,
Fort Willia

Dated the 18*th March,* 1848.

SIR,

With reference to para. 21 of my letter to your addre of the 25th November last, I am directed to transmit to you the accompanying copy of a letter from the Secretary to the Sudder Board of Revenue, dated 22d ultimo, and its enclosures being correspondence with the Commissioners of Agra and Delhi respecting the currency in their divisions, together with the minutes recorded by the Members of the Sudder Board on the subject.

2. The information now submitted and the subsequent en- quiries of the Lieutenant-Governor seem to show that the inconvenience attendant on the partial circulation of Luckno rupees in the city of Delhi, and of Gwalior rupees in the distri of Agra, are inconsiderable and undeserving of notice.

3. With reference however to para. 2 of my letter abo referred to, the Lieutenant-Governor has seen reason to modify the opinion there expressed regarding the degree in which the new Company's rupee has superseded the old Company's cur- rencies in these provinces. In his late tour through Rohilcu he found the Furruckabad rupee still extensively in circulatio throughout the parts of that district which are farthest remov from the River Ganges. The Furruckabad rupee was at a dis- count and much inconvenience was hence experienced amongst the agricultural classes. The payments of revenue into the Government Treasuries were generally made in Company's ru- pees, but the collections of rent from the cultivators in Fur- ruckabad rupees, and there was a constant struggle carried on between the rent-payers and the rent-receivers as to who shoul bear the loss of converting the one coin into the other. It w generally supposed that a supply of certainly not less than fif

lacs of new Company's rupees would be required entirely to displace the Furruckabad coinage. This displacement is gradually and spontaneously taking place, but it would be much accelerated, if the Local Treasuries were kept fully supplied with the Company's rupees, and if the re-issue of the Furruckabad rupees were entirely prohibited. This can only be done when the cash balance in the Treasuries are large and when money is abundant. There will be difficulty in effecting it at present.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

ADMINISTRATION OF SHAHJEHANPORE.

No. 4763.

To W. Muir, Esquire,

Secretary to the Sudder Board of Revenue,

North Western Provinces.

Dated Head Quarters, 6th December, 1847.

Sir,

Revenue Department. I am desired to request you will inform the Board that the Lieutenant-Governor has been pleased to invest the Collector and Deputy Collectors in Zillah Shahjehanpore with powers, under Regulation VII. 1822 and IX. 1833, which should be notified in the district as required by Section 20 of the former enactment.

No. I. Tuccavee balances.
„ II. Talooka Kundhur.
„ III. Tenure of Kuttras in Shahjehanpore.
„ IV. Moostajurree Village.
„ V. Forest Round.
„ VI. Biswadaree tenures in Talooka Powain.

2. The object with which these powers have been conferred will be best understood by the perusal of the accompanying memoranda of subjects which have come under discussion with the Commissioner and district Officers during His Honor's late visit to Shahjehanpore.

3. The Lieutenant-Governor believes that the Board are fully apprised of the light in which it is intended that memoranda of this nature should be received. They are not instruc-

tions to be exactly and literally followed, under all circumstances. Facts are assumed, and a course of proceeding marked out on the assumption. But facts may be otherwise than as they have been assumed, or circumstances may exist which give another colour to facts which really occurred. The memoranda are designed to assist the local Officers, and to relieve them from responsibility, rather than to save them the trouble of thought and consideration in the discharge of their duties. The course of proceeding which is recommended, is at all times open to discussion, and if there should be reason to apprehend that objections attach to it, the Lieutenant-Governor is always prepared to receive and attend to the temperate representation of them.

4. With reference to para. 23 of the paper regarding the Kuttras at Shahjehanpore, the Board are requested to furnish the Commissioner with information as to the way in which the local agents at Agra dispose of the funds at their disposal for municipal purposes.

5. The Board are also requested to furnish the Commissioner with the information indicated in para. 7 of the memo. regarding the Forest Round, regarding the terms which are now sanctioned for the Grantees of Forest Land.

6. A copy of this letter and of the memoranda will be sent to the Collector direct in order to save time. The Board will be pleased to furnish copies of them to the Commissioner.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

No. 1.

TUCCAVEE BALANCES.

There are outstanding items of principal and interest to a large amount.

	Principal.			Interest.			Total.		
Principal only,	6,048	12	0	0	0	0	6,048	12	0
Principal and interest, ...	6,659	7	9	3,523	10	8	10,183	2	5
Interest only,	0	0	0	6,805	11	1	6,805	11	1
Total, ...	12,708	3	9	10,329	5	9	23,037	9	6

The principal has been outstanding in most cases for a number of years; and the cause for which it was originally given, and the method of its appropriation can seldom be satisfactorily ascertained. The interest seems generally to have been demanded for one year only immediately succeeding the grant of the Tuccavee, and not subsequently. In some cases the principal was first liquidated, and in others the interest, leaving the whole or part of the demand to consist of one or the other as the case may be.

2. It is most important to settle this account with the least possible delay. Its continuance open is only the source of annoyance to the people.

3. The capricious demand of interest for one year only rests on no good grounds. If justice demands that interest be exacted, a regular account of each item should be made up. If policy recommends the remission of interest, the amount for the first year is that which it would be most politic to remit. In old standing accounts of this sort it is better to remit the demand altogether. Its removal from the books is sanctioned.

4. It is notorious that Tuccavee used often to be given as a means for realizing balances. The Tuccavee was carried to account in realization of the balance. It is impossible now to ascertain what items were of this nature. All such items should however be adjusted on the principle laid down regarding outstanding balances. And even where the items are not exactly of this nature, being as they are of the nature of land revenue, the same principle may be observed. The Tuccavee balances then which were outstanding at the time of settlement from Malgoozars who were then admitted to engagements, and for

the liquidation of which arrangements were not then made, may at once be struck off the books.

5. There remain items before settlement, due from persons, farmers or others, who were not admitted to engagements at the time of settlement, and also items which were arranged for at the time of settlement, or have since been incurred. A separate list of these should be made, and those which are outstanding on April 30th, 1848, should be reported on.

6. Publicity should be given by general proclamation and by an acquittance to each Malgoozar, so that they may not be harassed by future unauthorized or mistaken demands.

7. No refunds can be allowed. A revision upon this basis of accounts which have been previously adjusted cannot be authorized, but the payment of items for which arrangements have been made, but which have not yet been paid, should not be insisted on.

8. In future the Tuccavee balances should be annually reported like the Mal balances.

No. 2.

TALOOKAH KUNDHUR.

Kundhur is the name of a large Talookah, inhabited by Chundelee Rajpoots. The settlements proceedings have never been completely carried out by the entire separation of their several properties, so that disputes exist among them, which lead to affrays and harassing dissensions. These must be put a stop to by the new proceedings under Regulation VII. 1822 and IX. 1833.

2. The villages in which any disputes exist must be remeasured, and the properties completely separated and a new khewut made.

3. The rights of the sharers are measured by the extent of their properties according to village custom. Ancestral rights are unknown. The whole of the cultivated land is divided, and they pay according to their allotments. The uncultivated land

alone is in common. Regarding it they are always at variance, and some rule is requisite for its partition. The rule, when laid down, requires to be carried into effect, and each party to be put in possession of the parcel of land allotted to him.

4. The usual steps must be taken for attaining this object. Remeasure carefully the whole of the villages in which disputes exist. Call upon the co-parceners to lay down the rule for partition. See that is as precise and full as possible. Most probably they can be brought to an agreement amongst themselves. If this be possible, it is much to be desired; if not, the points on which they cannot be reconciled must be over-ruled by a punchayet under Regulation IX. 1833, who should be assembled on the spot, and required to determine it with promptitude.

5. Some difficulty arises in this case from the existence of an incomplete award by the settlement Officer some years ago. A punchayet was assembled, who awarded to each person in possession, and to several out of possession, a portion of land at a certain jumma. The award was confirmed by the settlement Officer, but has remained a dead letter to the present day. Its provisions were never carried into effect, nor could they be so now without a fresh investigation and decision to discover how they should be carried into effect. It is doubtful if any means of attaining this end could be discovered. Apparently the terms of the decision are so irreconcilable with the actual state of the property, as to render it incapable of execution. The brotherhood will probably agree to set it aside. If not, it must be closely examined and dealt with as may be.

6. The award of the arbitrators is said to give land to many of the brotherhood who have no holding at present in the estate. Persons actually out of possession cannot claim entry against the consent of the brotherhood. But it does not follow that because they have no seer cultivation, they are out of possession. On this point see Directions to Settlement Officers para. 80. Great care is necessary in dealing with these cases. If such persons have really existent rights, the brotherhood will be reluctant to deny them.

No. 3.

TENURE OF KUTTRAS IN SHAHJEHANPORE.

In the town of Shahjehanpore, there are several clusters of buildings, called Kuttras, containing shops and other buildings, some of which are rent-free and others pay a certain Russoom to Government. The Collector has maps of these Kuttras, in which the holdings rent-free or otherwise are distinguished the one from the other colours. There are also separate lists of the different classes of buildings, those which are rent-free or which pay, and the amount which is paid by each. No uniform rule has as yet been observed regarding these Kuttras, and a fixed rule is wanted.

2. The present collections are 983 rupees 11 annas per annum; of which 524-3 is paid to the Nawabs of Shahjehanpore, 120 is paid to a Mohurrir for making the collections, and 339-8 is annually made over to the Dispensary.

3. From a letter written on June 1st, 1812, by Mr. Assistant Chamberlain to Mr. Batson, the Collector of Barreily, it appears that these Kuttras were built by the original Nawabs of the town, but that from the time of Seyud Kootub-ood-deen the Amil from Oude, about twenty-seven or thirty years previously, they were detained by the Government, and the assets arising "from the same were invariably carried to the account of Government." "The property was then on the Nuzzool list." "The pension of 3,000 rupees per annum which had been enjoyed by the Nawabs, since 1202 F. S. was granted in consideration of the low circumstances to which the family was reduced by the confiscation of their property, which they themselves acknowledged."

4. The investigation was very carefully conducted, and lists of the shops were made and all the evidence recorded.

5. On April 5th, 1814, the Board of Commissioners write that the Government authorized the relinquishment of the Nuzzool Bazaars and Gunjes to the Nawabs, except in such cases where a reservation may be necessary in favour of incumbents.

6. This was found to give rise to many disputes. In November 5th, 1814, the Government granted to the Nawabs "a

pecuniary compensation of 524-3 for the property, which has *escheated* to Government, instead of restoring the property itself." From that time the Government have collected various sums, and paid 524-3 to the Nawabs annually.

7. The case is differently represented in Mr. Campbell's letter of May 30th, 1826, and in Mr. Swetenham's letter of April 30th, 1840. But the enquiry in 1812 and 1814, seems to have been very complete, whereas on the later dates there was no enquiry at all, and the writers seem to have conveyed rather their own impressions, than actual conclusions from certain premises.

8. Assuming the case to stand as stated in 1812, the Kuttras had been originally the property of the Nawabs, but had been seized and held by the Government for twenty-seven and thirty years, and were beyond question then Nuzzool property. In 1814, the Government out of consideration for the Nawabs, as a matter of favour, not of right, agreed to relinquish the property to the Nawabs, but finding this inconvenient, retained the property, and gave them 524-3 annually in lieu of it.

9. Supposing then the right of property in these Kuttras undoubtedly to rest in the Government both by a long prescription, and in virtue of the compensation given after the expressed intention of voluntarily relinquishing the right, it requires consideration what is the nature of the right.

10. It is in fact an item of sayer revenue or russoom usually collected by Zemindars and known in other parts of the country as Ghur Dewaree, Khannah Shumaree, &c. The incidents here as elsewhere seem to be these.

11. From certain houses which have from various causes been rent-free no regular collections in money are made, so long as the house is maintained in the same state, and is not transferred to a new owner.

12. The annual payments demanded from other houses are not liable to increase, so long as the houses remain unaltered and are not transferred to a new owner.

13. A house whether paying rent or rent-free cannot be altered, i. e. pulled down and rebuilt, changed from kuchah to puckah, or from a shop to a dwelling house, without the consent

of the proprietor of the Kuttra, who then demands a fee or a fine, or makes a new bargain. Fees are payable to the proprietor of the Kuttra on all transfers of property.

14. The amount of the fees or fines in the two latter cases is indefinite, but probably an equitable rule might in such cases be easily determined upon in concert with the people. But it is not the object of the Government to retain possession of the property on these terms, or to burthen itself with the numerous petty and uncertain collections which it involves. Such sources of income are highly valued by the natives, because they confer on them importance and consideration in the eyes of the people. To the Government they are of no value, and become the fruitful source of peculation to the subordinate officials of Government. A Tuhseeldar is now under suspension on this very account.

15. It will be better then to commute the leasehold tenure into the fee simple of the land, and there is every reason to believe that large sums will readily be paid for this purpose as the natives will highly value this kind of property, and its immunity from vexatious demands and interference.

16. The payment demanded from the holder of occupied land whether paying rent or rent-free should be moderate, either so many years' purchase, or so much per square yard, or may be the subject of bargain in each case.

17. Less should be demanded for rent-free than for paying land, but still as the owners will thus be released from all demands of fees or fines, something may be fairly asked for this freedom from incidents of tenure which may be vexatious.

18. Waste land which is not required for public purposes should be offered in convenient lots at so much per square yard, and when offers are made should be sold to the highest bidder, provided that this be not made the means of extorting undue sums from residents who would be inconvenienced if the land in question were occupied by others.

19. A good title should be given by conferring a Sunnud and a map specifying the extent and boundaries of the land, and it should be understood that the proprietary right thus conferred does not entitle a man to do any act which may annoy his

eighbour or be offensive to the inhabitants. Such matters will be regulated by the police in the same way as is now usual. The purchasers might also be warned that the boundaries thus assigned will prevent any encroachments on their part on the public land, and that if such encroachments hereafter take place, they will be promptly restrained whenever discovered, as no prescription will justify them.

20. The money which may be collected from these sources may be thrown into a fund called the municipal fund, and appropriated to the conservancy and embellishment of the town, in the manner that will best suit the feelings and the welfare of the native inhabitants.

21. The property being undoubtedly Nuzzool, the Local Agents are, under Section 7, Regulation XIX. 1810, the proper superintendents of it. The Officer in charge of the medical duties of the station, the Joint-Magistrate and Deputy Collector, the Deputy Collector under Regulation IX. 1833, and Major Ludlow will be appointed local agents under Section 8 of the Regulation. They will immediately assume charge of the property, and will proceed to administer it in the mode above pointed out.

22. The sales which may be effected under paras. 16, 17 and 18, must be submitted for the sanction of Government through the Commissioner and Sudder Board of Revenue in a tabular form, showing the position and size of the plot sold, the purchaser, and the sum realized, with an assurance that all the precautions enjoined in this memo. have been observed. The sales when sanctioned will be understood to be guaranted by the Government.

23. The Accountant will furnish the local agents with information as to the mode in which their accounts should be kept and exhibited in the public books. The Sudder Board of Revenue will also inform them of the rules under which a similar fund in Agra is now administered.

24. As the proceedings thus contemplated will lead to the extinction of the funds from which the sum of rupees 524-3 has hitherto been paid to the Nawabs, it will be better to consider that in the same light as the 3,000 per annum, which was

granted to them originally "in consideration of the low circumstances to which the family was reduced by the confiscation of their property." In fact the grant of this allowance in 1814 was a gratuitous addition to the amount of that allowance, and rested precisely on the same consideration. It may be paid to the present incumbents from the public Treasury in the same way, and on the same terms, as the other pensions. The change will have effect from January 1st, 1848.

No. 4.

MOOSTAJUREE VILLAGES.

There are about fifty-seven villages in the district of Shahjehanpore of which Moostajuree settlements have been made, from mere reluctance on the part of the settlement Officer to declare the existence of a proprietary right. Such estates are therefore neither heritable nor transferable. The existence of such ambiguous titles cannot but retard the improvement of the estates.

2. The true policy of the Government is that there should be a full and clear proprietary title to every estate, and that every proprietor should be in possession unless penally excluded for recusance or default.

3. It is therefore most desirable that the Collector should take up these cases and decide who is the proprietor. It is believed that in all of them the Moostajur is the proprietor, and if so a declaration to that effect is all that is requisite. If there are exceptions they must be specially dealt with. The person who possesses a preferable right to the Moostajur should not be lightly declared proprietor, and thus rendered entitled to Malikanah. It is probable, in such cases, that there is no person absolutely entitled to the proprietary right, either from original defect of title, or from failing to assert it within the period of limitation. In such case the proprietary right may belong to the Government, and it should be referred for orders whether the right is to be transferred to the Moostajur in possession,

or reserved for the person who has the preferable claim at the expiration of the lease. The principle laid down by the Sudder Dewanny Adawlut in their letter of January 20th, 1843, regarding Moostajuree Mehals in Benares is applicable mutatis mutandis to such cases. Whoever may be admitted as proprietor should be required to enter into an engagem ent to defend at his own risk and cost all claims which may be hereafter preferred.

No. 5.
FOREST ROUND.

It appears that part of the forest land has been settled with the Zemindars, and part reserved to the Government. It is quite immaterial now to enquire whether this was done on any consistent or well regulated principle. The settlement has been sanctioned, and the waste land given in proprietary right to those with whom the settlement was made. It is necessary to fix the limits of the land so settled, that each proprietor may feel assured of the extent of his property and, being secure of his title, may apply himself to its reclamation.

2. The Revenue Survey gives the area and limits of each Mehal. Let the boundaries be laid down and marked from the survey maps, and provision made for letting the remaining Government jungle on known terms, as applicants for it present themselves.

3. There is difficulty in marking off the boundaries of existing settled Mehals on account of the density of the jungle. It is also an expensive process. Wherever the Mehal is conterminous with the reserved Government forest, half the expense must be borne by the Government, and may be charged in the Contingent Bill, sanctioned by the constituted competent authority according to its amount.

4. The mode of laying down the boundary is to take up the nearest known point, and work on with a chain and theodolite round the village. If the working table or field book can be obtained, so much the better; if not, the angles and distances

must be taken up as nearly as can be from the village map. A list of the villages to be thus treated might be made out, and sent to the Secretary Sudder Board of Revenue, or to the Deputy Surveyor General, and copies of the tables or field books be obtained.

5. A skilful and therefore costly agency will be requisite to do this with accuracy, but the labour might be lightened by employing natives with rude instruments to do the work roughly.

6. Make a village map on the scale of so many jureebs to the inch, giving the Ameen a scale of equal parts (paimanah). Instruct them also how to use a plain table, on which the map should be mounted with a compass attached. The process is simple by which the village would be recovered in this manner. Check-measurements with a jureeb in different parts would prevent the accumulation of error. Some training will be necessary, but that may be allowed in all proximate operations.

7. The forest land reserved to Government may be divided into convenient parcels not exceeding 4,000 acres each, and offered on the terms sanctioned by the Court of Directors and Government.* On offers being made for any grant, the lot should be put up to sale and knocked down to the highest bidder. The purchaser may be held to convey complete possession of wood, grass, and of every thing attaching to the land.

8. It is not an object rapidly to dispose of the land in this way; probably it would be better to hold back and to deter than to encourage and to promote. Before the reserved tract is reached, much appropriated forest land must be reclaimed. If premature attempts be made to penetrate into the heart of the forest, efforts will be wasted and exertion will be discouraged.

* The terms as given in the Sudder Board's Circular, No. IV. Section IV. have been since modified under instructions from the Hon'ble Court of Directors. Those now in force are appended to orders of Government, dated January 22d, 1845, on the subject of the Dhoon grants, and may be had on application to the Board.

No. 6.

BISWAHDARREE TENURES IN TALOOKAH POWAIN.

The state in which this case has been left by the settlement proceedings occasions much embarrassment. The number of villages in which subordinate Biswahdarree rights were recognized is 121 or thereabouts. In all these cases the settlement was made with the Biswahdars, and a huk Talookdaree of 18 per cent. on the assets was allowed to the Ranee, 17 per cent. being reserved for the Biswahdars. In those estates which were settled entirely with the Ranee, the whole 35 per cent. was allowed to her.

2. The settlement proceedings were conducted in much haste. The proceedings are very defective. The Settlement Officer is said to have examined the cases and evidently assumed principles of adjudication which may have been sufficient, but he has failed to place on record either the principles themselves, or the evidence on which they rested. The only existing record of his proceedings is very incomplete. The result of this is that, now when the Ranee carries the cases into Court, it is not easy to determine the grounds on which the Biswahdars should rest their defence. She has already obtained decrees in nineteen suits, nine of which are pending in appeal, and two original suits are now pending.

3. It is most clear that many of the village communities possess strong rights to a subordinate proprietary tenure. In some cases the right is weaker than in others. There may be some in which sufficient grounds cannot now be discovered for asserting the existence of the right.

4. The nature of proprietary right, as recognized and established by our system, is little understood even by educated natives, or it may be added by many British Officers at the present day. Wholly uneducated people like the Biswahdars are utterly unable to comprehend the subject. It has been too much the practice to prejudge such questions on either side by conventional standards, entries in certain records, particular

denominations, &c. &c. The test of proprietary right is at best a most obscure and difficult question.

5. The legislature have laid down a complex system for the determination of questions of this sort. They have entrusted the primary determination to one set of Officers under Regulation VII. 1822, for whose guidance the Executive Government prescribes, and over whom it exercises, a direct and immediate control. They have allowed a retrial of all cases, so decided, before another class of public Officers, over whom the executive exercises no direct control, and whom they expect independently to arrive at conclusions according to certain fixed forms of judicial procedure.

6. It never was designed that these two sets of Officers should be set one against another to judge each other's actions. It was evidently designed that both having before them the same object, viz. the discovery of right and the administration of justice, should act on the same principles, the one supplying the defects of the other. The mode in which the cases, and the principles which should govern them, are brought before each set of Officers may be different, but it is the duty of the Government to provide that every thing necessary for the discovery of truth be done in each case.

7. In the Talookahs a peculiar class of cases exist, where the right of the weaker and more ignorant party was considered to have been overborne by the abler and stronger party. It was considered that partiality and prejudice, occasioned by the existence of a different state of property in another part of the country, had contributed to effect this injustice. It was perceived that our system, by denying to the oppressed party the exercise of the only power they possessed, viz. that of physical force, maintained an injustice which might otherwise have effected its own remedy. It was determined therefore that the first set of Officers should be directed especially to enquire into these rights, and to recognize and confirm them wherever they were found to exist. The result has been that many persons were restored to rights, of the possession of which they were conscious, but the precise method of defending or proving which they were quite unable to comprehend. If the Government

Officer who admitted their rights failed to explain fully the grounds of his proceedings, it is evident that they have nothing to support them; and that, when put to their proof again, they would fail from their own ignorance. Unless the Government again step forward and explain the grounds of its proceedings, they will with justice conceive themselves betrayed, and complain that they have suffered a grievous wrong at the hands of the Government.

8. It seems therefore incumbent on the Government to afford the defendants all the assistance in its power in the conduct of the suits. It will thus be able in the name of the parties themselves to place before the Judges, in the Civil Courts, the principles on which such cases ought to be decided, and will prevent the failure of justice by means of the remissness of its own Officers, who made the primary investigation. The Government has no other interest in the case than the assertion of justice and right. The trouble and expense which it is likely to incur in the pursuit of this object is only part of the cost which always attends the administration of justice.

9. The premises, with which we set out, suppose that there may have been defective enquiry by the Settlement Officer in the original investigation of these cases. Whatever the estimate may be of the talents and integrity of the Officer, the evidence to the soundness of his conclusions in these cases is wanting, and justice requires fresh investigation before the course to be pursued by the Government is determined. If on this further enquiry it should appear that errors were committed, and rights were recognized which in fact did not exist, the Government would evidently be wrong to bolster up an unfounded claim, and to harass the opposite party by encouraging resistance of an equitable right.

10. It will therefore be necessary for the Collector to proceed immediately to the spot, and satisfy himself of the real nature of the claims. It is a work of great delicacy, and its necessity is deeply to be regretted. But it is the only way in which justice can now be done, and any course however painful and difficult must be followed for that purpose.

11. The Collector may, if he sees fit, take evidence which

should not be on oath, but it may be preferable that he should confine himself to taking private notes which will not appear on record. He should possess himself of facts, should determine in his own mind how they can be supported, and then in his communications with both parties should assume them to stand as he supposes, and argue the case on those premises. To proceed more openly might expose too much the grounds of the defence, and afford an opening for those numerous intrigues, which the unprincipled dependants of wealthy men have always at command to prevent the discovery of truth and to attain their own ends.

12. It is not impossible that, by temperate and conciliating communications with both parties, to the exclusion of all interested underlings who thrive on disputes of this kind, he may bring over both parties to his own views, and summarily terminate a long, vexatious, and expensive course of litigation. In the cases now in Court acquiescence in his views would be best signified by a Razeenamah. Simple lapse of the suit by default of the Plaintiff will not be sufficient, because such suit may be revived, nor will an Ikbal Dawa alone be sufficient on the part of the defendants, without provision for the costs of suit.

13. In cases which have not yet been brought into Court, the Ranee's acquiescence may be signified by an Ikrar-nama, and the Biswahdars may waive their possession by a deed of transfer to the Ranee.

14. It is by no means improbable that, where the Biswahdaree right is weak and uncertain, the Biswahdars may agree voluntarily to waive it for a consideration, either in ready money or in land to hold on favourable terms. Their position so arranged and confirmed may indeed be better than as proprietors, for ignorant men without capital seldom succeed as proprietors. The arrangement and record of such compromises will be an important part of the Collector's duty, and will afford unlimited scope for the exercise of address.

15. Whatever the result may be, the greatest care is necessary in accurately defining the new relations which may arise between the parties and between the several Biswahdars. If the basis of compromise be the grant of land on favorable terms

to the Biswahdars, it must be borne in mind that such terms will not hold good except against the Talookdar, her heirs, or assignees, unless specially confirmed by the Government. There may also be objections to giving this confirmation, if the terms so lessen the value of the Mehal as to render its sale by public auction doubtful. The parties by a contract between themselves cannot endanger the stability of the Government revenue. The rent settled on lands so set apart should not be less than 10 per cent. above the average revenue rate.

16. In making advances to the Biswahdars for the conduct of their suits, bonds must be taken from them, binding them in case of success to apply for recovery of costs and to make over the costs so recovered to Government, but absolving them from all claims for costs in case of failure. Perhaps it may be best to consider as Tuccavee the costs which may be advanced.

17. It may be of use to add some suggestions as to the nature of the enquiries, on which the determination regarding these tenures should turn. The subject is generally noticed in para. 80 of Directions to Settlement Officers, but the consideration of the following questions may facilitate the enquiry.

First.—Did the ancestors of the Biswahdars settle in the village before, or after the formation of the Talookah under the Gour Rajpoots?

Second.—Who was the first ancestor? how many of his descendants remain in the village? Have they all shares?

Third.—What other villages are there in the pergunnah, or in neighbouring pergunnahs, held by persons of the same stock? when acquired and how?

Fourth.—When the Ranee's ancestor was dispossessed of the Talookah, did the Biswahdars engage for it? How did they then manage the estate?

Fifth.—When the Ranee's ancestor was in possession, did the Biswahdars hold in kutkinnah? If so, was the kutkinnahdar the sole manager and only owner of the profit and loss, or was he the representative of others, who shared the profit and loss amongst them, either by ancestral shares, or by village custom?

Sixth.—When the Ranee collected Assameewar (alias held kham) did she entirely arrange for the cultivation or did they

settle that amongst themselves? Did the claimants of the Biswahdaree right cultivate on more favorable terms than the others? Were they liable to ejection from their fields?

Seventh.—Have they mortgaged, sold, or otherwise transferred, their shares or fields? Look well to the evidence of such transactions?

Eighth.—Have they planted groves or dug wells in the village at their pleasure? If others have done so, was their consent necessary?

Ninth.—Have they given Maafee service lands, or created any tenures in favour of their friends and relations? Have they introduced strangers into the village and located them as cultivators?

Tenth.—Do they collect and appropriate to themselves the items of Sayer Revenue, e. g. the fish in the streams, the forest produce, the grass, &c. the purjawut, i. e. collections from the houses of residents in the villages? If they do make these collections, according to what law do they divide them amongst the sharers?

ADMINISTRATION OF PERGUNNAH JOUNSAR IN DEHRA DHOON.

Minute on the revenue management of Pergunnah Jounsar in the hills attached to the Dehra Dhoon.

Having lately traversed this pergunnah in company with Mr. Ross the Superintendent, and having had much communication with the people, it may be advantageous to place on record such observations as occur to me regarding its management.

2. The settlement was made in 1835, for fifteen years from the commencement of 1242 F. It will therefore expire at the end of 1256 F. or in September, 1849, A. D.

See orders of Government, dated March 30th, 1835.

3. The Government demand was fixed at 20,000 rupees, from which deductions were allowed as follows :—

V. Colonel Young's report, No. 236, dated January 16th, 1846.

Per centage to Seeanas,	1,634
Roads and Bridges,	1,192
Establishment,	894
Total, ...	3,720

leaving a nett revenue from the pergunnah of 16,280 per annum.

4. The total assessment of 20,000 rupees was distributed by the Chountroo or standing Committee of four headmen over the thirty-five Khuts or circles into which the pergunnah is divided. The Seeanas or headmen of each Khut distributed the quota over the villages in their circle, and the headmen of the villages over the resident cultivators. The distribution was made not simply with reference to the cultivated land held by each individual, but with reference to his general wealth, whether consisting of cattle, goods, or even able-bodied members of his family.

5. The whole pergunnah is jointly responsible for the amount assessed. If a cultivator cannot pay, the village makes good the balance; if the village cannot pay, the Khut makes it good; if the Khut cannot pay, the whole pergunnah supplies the deficiency.

6. Re-distribution of the Government demand on the several Khuts have once or twice taken place, but there is no fixed rule on the subject.

7. The revenue has been generally paid through Kerpo Ram a Mahajun, resident at Kalsee, the chief place in the pergunnah. This man is security for the pergunnah. He advances whatever may be wanting when the kist falls due, and receives a small percentage called Kist-Kholai from all, and a stipulated high rate of interest from those who are in balance and on whose behalf he makes the advances.

8. The assessment is generally considered to be very low, and of this there can be no doubt, though it is not easy to state the profits left to the people. This is a subject which should

engage Mr. Ross' close attention during the remaining period of the settlement, and he should be prepared, when he recommends a new settlement, to explain the grounds on which he considers the assessment to be light.

9. Supposing the assessment to be, as I conclude it is, light and reasonable, I would not recommend any enhancement of it, but would continue it at the same amount for the next thirty years.

10. The nett sum to be received by Government may remain what it is, 16,000 rupees or a little more. The payments to the Chowntroo and Seeanahs may also be provided for as now, and 1,000 rupees may be collected for the roads. Provision should also be made for continuing to Kirpa Ram his present payment, and the establishment now maintained will probably be found sufficient. There are some allowances to temples with which the Government need no longer trouble itself, and some petty charitable pensions have been or may be discontinued.

11. The mode of revenue management is simple and suited to the habits of the people, and should be preserved unimpaired. It is only necessary to define and record the several peculiar features of the system, just as though the whole pergunnah was one large Bhyacharrah village.

12. The chief points to be determined are these.

13. The Chowntroos—how chosen—on what terms holding Office—possessing what powers—how exercising their functions—how liable to be called to account for misconduct—in what cases authorized to charge the pergunnah with their travelling expences.

14. The Seeanahs—how chosen—how holding Office—possessing what powers, and subject to what liabilities in their persons and in their property. I have every reason to believe that 5 per cent. on the Government demand, which these Officers now receive, is sufficient remuneration, and is even more than they elsewhere are entitled to.

15. If Kirpa Ram's position be maintained as Mal-zamin or as Tehseeldar, his powers and position and emoluments should be defined. He possesses much local influence, and I should think it would not be desirable to displace him. He is not

however an hereditary Officer, and any arrangement with him would be personal and temporary.

16. The distribution of the total assessment should be carefully superintended. The influential men, such as the Chowntroos and Seeanahs, will always be inclined to throw the weight of the assessment off their own shoulders upon their weaker and poorer neighbours. This will require to be checked and regulated.

17. The circumstances must be defined, as well as possible, under which a redistribution of the assessment is to be made in villages or Khuts, or the whole pergunnah. It should be explained how it can be demanded, and enforced.

18. In the same way the principle on which the balances are to be realized on account of insolvent individuals, Mouzahs, or Khuts, should be explained and recorded.

19. The record which may thus be formed of every thing affecting the rights of the people, or as it may be called the constitution of the pergunnah, should be made as public as possible, and be attested by all the Seeanahs.

20. No measurement of the land should be made, but a complete record should be made of the data on which the quota of payment by each man was determined, or in other words of his wealth as estimated at the time, whether in land, cattle, houses, or able-bodied men.

21. A census should be formed, embracing all such particulars as the people will readily give.

22. The few judicial questions which arise seem to be well settled by the Chowntroos, who are certainly the best judges they can have.

23. The police also appear to be amply provided for by themselves. No changes should be made in any of these respects, unless some new and unforeseen circumstances arise.

24. The people appear generally comfortable, contented, and happy. They evidently desire nothing more than the maintenance of the present system of property.

25. If Mr. Ross thinks that it be advantageous, he is at liberty to declare now that there will be no increase of the assessment on the people at the coming settlement, nor any

material change in the system of administration. Perhaps when this is once known, the minds of the people will be set at rest and they will apply themselves more cheerfully to the improvement of their lands; they will then also have less reserve in declaring their resources and their rights.

26. Mr. Ross will perform this duty with discretion and conciliation. He is already well acquainted with the people, and has secured their respect and attachment. In forming the record he will be careful to confine himself to eliciting the views and wishes of the people themselves on the several points which may require to be specified, and he will avoid making rules according to his own notions of what is expedient. If the wishes of the people appear to him to be in any respect likely to be prejudicial he can explain and remonstrate, but it would be better to leave the particular point unnoticed or undecided than to enforce his own views in opposition to the feelings of the people.

J. THOMASON,
Lieutenant-Governor of the N. W. P.

PROPRIETARY RIGHT IN LAND IN ROHILCUND.

No. 576.

To W. Muir, Esquire,
Secretary, Sudder Board of Revenue,
North Western Provinces, Agra.
Dated Head Quarters, 17th February, 1848.

SIR,

REVENUE DEPARTMENT. The Lieutenant-Governor having spent nearly two months in his progress through the Rohilcund division, feels it incumbent on him to place on record some general observations, regarding a subject which materially affects the prosperity of the country, viz. the title to landed property in the several districts.

2. Previous to the acquisition of the province by the British, proprietary right in land seems to have been weaker in Rohilcund than in most other parts of the North Western Provinces.

This was probably owing to the numerous and recent revolutions which had swept over the country, and the consequent depopulation of a great part of its fertile soil. The Khuterriah Rajpoots had given way to the Mahomedan invaders, colonies of whom were introduced by the Mogul Emperors. These had been supplanted by the Rohilla Afghans under Alee Mahomed Khan, and his adherents; and these again had given place to the Nawab of Oude, by whom the province was ceded to the British.

3. During these changes power constituted the only measure of right. The old Hindoo village institutions were very generally subverted, and the villages held by those communities often depopulated. When the land which had once fallen waste was again brought into cultivation, this was effected by the efforts of influential persons, who founded villages, and located cultivators, and collected their rents in money or in kind, till they were supplanted by others stronger than themselves, who assumed possession of what they had created. In many such cases possession was assumed by the Government itself through its temporary local Officer; and a community was thus created, which, though not originally possessed of any proprietary right, came gradually into the possession, either jointly or in the person of their acknowledged head, of those incidents of possession which are generally held under the British system to constitute proprietary possession.

4. The confusion and uncertainty regarding proprietary right, which thus naturally existed, has been far from remedied during the period of upwards of forty years that the British Government has administered the Government.

5. On first acquiring the country, the local Officers, fresh from Bengal, with the notions prevalent there under Lord Cornwallis, were strongly possessed with the necessity of finding in all parts of the country large landed proprietors whom they called Zemindars. Hence a Zemindarry or proprietary title was frequently acquired by persons, who really had no right to it whatever. They may have been Government Officers, or Jageerdars, or mere influential persons in the district. The right has been frequently acquired after no investigation whatever, but on the mere entry by the Canoongoe in certain registers, or on the

assertion of the individual. Had the real value of the appellation been then known and appreciated, undoubtedly more efforts would have been made to acquire it than was actually the case; but, in truth, respectable persons shrunk from the responsibilities and risks of the position, and many villages remained unclaimed. For these farming leases were made.

6. The errors, which had been committed in conferring proprietary rights on many of the so-called Zemindars were less quickly discovered here than elsewhere, because the antagonist proprietary title on the part of the village communities or individuals was weaker. The proceedings both prior and subsequent to the enactment of Regulation VII. 1822 corrected some of the errors, but very confused ideas on the subject still prevail amongst the local Officers, and maintain their hold in the Civil Courts.

7. The effect of the late settlement has undoubtedly been to give much increased value to the land. Property in land is now eagerly sought after as a means of investment. As population increases, and the quantity of waste land to be brought into cultivation decreases, land rises in value, and the importance of a good title is more generally felt. Hence suits are instituted in the Civil Courts more frequently than heretofore to contest the right of land, and applications are made to the revenue authorities to define or confirm the title of occupants of the land. The improvement of the country, and the stability of the land revenue of the Government, depend greatly on the course which may be assumed in this state of things. If the title to land be uncertain, property will not be improved, nor will its value be so high as if, by a judicious and consistent course of procedure, the proprietary possession of every individual were well understood and clearly placed on record. The mode of forming this record has now been matured in the form of settlement proceeding, and in the subsequent series of Putwarries village papers.

8. It is no longer a question, in the great majority of cases, what constitutes proprietary right in land, or in whose behalf the existence of that right should be recognized. Wherever a right has been formally recognized and possessed, however con-

trary to prevailing practice, or however positively erroneous or unjust that recognition or possession may be, it is one which the Revenue authorities cannot call in question, nor upon which they ought to throw suspicion. So far as the recognition and possession are ambiguous or incomplete, they should exert themselves to define and confirm it. Wherever there is no such recognition or proprietary possession, they should determine who is the party having the best preferential claim to its enjoyment, and should propose to the Government the recognition of that party. Except under very peculiar circumstances, the Government has no desire to retain in its own hands the proprietary right to any assessed land which possesses marketable value. If there are persons, possessed of an interest in the land, and who are capable of improving it, they should be invested with the proprietary right, as a means of securing the realization of the Government assessment on the land; but if there be no such party, it then may be better to sell the proprietary title to the highest bidder.

9. It is advisable here to point out certain classes of cases, which most need attention, and regarding which vigorous efforts are necessary in order to place the landed proprietors of the district in the position which they ought to occupy.

10. *First.*—The Moostajurree Mehals, i. e. those Mehals which were settled with farmers, from the absence of any clear proprietary title on the part of any individual, or body of individuals. Allusion has been made to these cases, in the Memo. regarding Moostajurree Mehals in Zillah Shahjehanpore which accompanied my letter of 6th December, 1847, No. 4763 and in the orders of 6th October, 1847, No. 3836, regarding Moostajurree tenures in Pergunnah Besulpore, Zillah Barreilly; and of 4th January, 1848, No. 117, regarding similarly designated tenures in Pergunnah Ujaon, Zillah Barreilly. It is known that the principles there laid down are applicable to many other Mehals throughout the province. The local Officers should be required to prepare and submit lists of all such Mehals, and measures should be taken for declaring proprietary right on the principles already laid down.

11. *Secondly.*—Resumed Maafee Mouzahs. My letter of

29th ultimo, No. 336, fully treats of this subject, and further notice of this on the present occasion is unnecessary. Those resumed Maafee tenures, which have not yet been settled, should be disposed of on the principles laid down, and no such settlements which have not yet been reported should be forwarded for conformation without an assurance that those principles have been observed.

12. *Thirdly*.—Mocuddummee settlements. Where the settlements have been made with the Mocuddums or head-men of villages as proprietors, it may possibly happen that there has been no distinct declaration whether they were admitted to engage in their own right, or as the representatives of a proprietary community. Arrangements regarding subordinate rights, regarding the distribution of the profits of the estate, and the bringing waste land into cultivation, may be there essential to the prosperity of the village. Wherever these questions have already adjusted themselves, the existing practice should be recorded, and no attempt should be made to revive dormant rights, or to give existence to a proprietary community which is not in the exercise of its functions as such.

13. *Fourthly*.—In co-parcenary communities wherever they exist, it is to be feared that the local custom which regulates and defines the rights of the co-parceners has been imperfectly understood, and recorded in an incomplete manner at the time of settlement. Talookah Khundur in Zillah Shahjehanpore, which is noticed in a separate memo. accompanying my letter of 6th December, 1847, No. 4763, is a case in point. There, the result of an imperfect record of rights was felt in dissensions, which led to frequent breaches of the peace, and which caused the incarceration of the leading men in the Talookah. There are many such communities in Budaon, and in the southern portions of the other districts, bordering upon Budaon. The constitution of these bodies deserves the examination and study of the local Officers. The reputed turbulence and misconduct of the members of such communities is often, in fact, only the natural effort of high-spirited men, striving to attain rights which may in fact belong to them. The true way to make them peaceable and industrious subjects is to adjust their village con-

cerns in the way most in accordance with their conceptions of what is right and just.

14. *Fifthly.*—The reserved jungle tracts. There are large tracts of forest land, for which no persons could be found to engage, and which have therefore been reserved as Government property, and may be hereafter given on grant terms, when population and cultivation have sufficiently advanced to render the speculation profitable. The boundary line which separates these tracts from the settled Mehals is very imperfectly known, and there is no existing demarcation. The line may almost always be laid down from the survey, but the operation will be a laborious and expensive one. It will be necessary some time or other to have a re-survey of the belt of land lying at the foot of the hills from the Ganges to the Surdah, which shall embrace the forest and Terai tracts, and the contiguous pergunnahs on the south. Intimation of this intention has already been given in the correspondence with the Surveyor General of India, a copy of which was forwarded to you with my letter of 13th January, 1848, No. 107. It will be sufficient now to keep the subject in view, and to be prepared hereafter to take it up when required.

15. But the circumstance of all others which tends to throw doubt upon the stability of landed property, is the course of proceedings in the Civil Courts. The law as it stood enabled any party, who was dissatisfied with the declarations regarding proprietary right in the settlement proceedings, to sue for their reversal in the Civil Court, within the period of twelve years. Hence many titles which for a long period were considered undoubted have lately been brought into question, and though the proposed limitation of the period within which suits may be brought will hereafter impose a restriction on this cause of uncertainty, yet the first effect of that enactment will be to bring to an immediate issue many questions, which are now doubtful, and will necessitate double vigilance and watchfulness on the part of those Officers of the Government, to whom is entrusted the duty of watching the progress of these suits.

16. It is superfluous in this place to consider whether it was wise to leave questions, of so delicate a nature, and involved

in such uncertainty, thus open to question for so long a course of years; and it is no less superfluous to enquire whether questions of this nature, which have been examined and determined by perhaps the ablest men in the country, should be open to revision years afterwards by even the lower grades of the judicial functionaries, who are often very deficient in general education and in knowledge of the country, and who can seldom be considered so competent to judge of the merits of the case as the persons who at the time decided it. There can be no question that such a power has, wisely or unwisely, been conferred, that the judicial Officers cannot avoid the exercise of this power whenever they are called upon for a decision, and that they ought to be respected in the honest and independent exercise of their judgment.

17. But the duty which in this state of things necessarily devolves upon the Government, and its Officers in the Revenue Department, is well deserving of the most serious consideration.

18. At the time of the settlement, under Regulation VII. 1822, the Government made great exertions judicially to determine all these questions in the first instance. The task was a difficult one, the agents competent to its execution were few, and those who were employed were frequently interrupted by the many causes which impede official labours in all countries, and especially in India. It is not surprising that some of the investigations were hurried, and that in those which were rightly and carefully conducted, the record is not always so full as to convince the present enquirer that a right conclusion was reached. The effect of the proceedings has often been to place parties in possession of rights, on premises and arguments which they cannot understand, and which they are utterly unable to adduce, and to defend against the superior wealth, intelligence, and influence of their adversaries. The Government would ill perform the duty which it owes to the people, if it suffered one branch of its executive establishment to subvert what the other had effected, simply from neglecting on its own part to place clearly before the former the grounds on which the latter actually acted or were supposed to have acted.

19. It will be useful to notice some general principles which

it is important to keep in view with regard to all suits in the Civil Courts to contest arrangements made by the Settlement Officers.

20. *First.*—The question to be considered by the Civil Courts is the right on which they have been called to adjudicate, and not the conduct of the settlement Officer as regarded the investigation of that right. They are bound to examine the Settlement Officers' proceedings as tending to throw light upon the case; but, however defective or erroneous they may consider the proceedings, they are not warranted in prejudging the case on account of those defects or errors. The claim is to stand or fall on its own merits, as it comes before the Court.

21. *Secondly.*—The onus probandi in the Civil Suit rests with the plaintiff. The Judge is not to put himself in the place of the Settlement Officer, and to consider whether in that position he would have arrived at the same conclusion. He is to assume the act of the Settlement Officer to be a judicial fact, till the superiority of another adverse claim is satisfactorily proved before him.

22. *Thirdly.*—Although the Government is rightly relieved from the obligation to be a party to such suits, yet it is always open to the Revenue Officers to advise and assist parties, so as to enable them to bring their cases fairly before the Courts. The great object of the Government and its Officers is to arrive at a just conclusion, and whenever there would appear likely to be a failure of justice, from the inability of the defendant to place his view of the case in a proper light, then it becomes the duty of the Officers in the Revenue Department to afford him that assistance. More especially is this the case, when the difficulty experienced by the defendant arises from the defect of the record drawn up by the Officers of this very department, which record may in itself be the cause of action.

23. The Lieutenant-Governor wishes it therefore to be known that these are the principles which should be acted upon. Whether or not the Government be a party to the suit, the Revenue Officers will consider it their duty to keep themselves apprised of the institution of all such suits, which they may readily do through the instrumentality of the Vakeel of Govern-

ment. They will then be careful to ascertain the merits of the suit, and will tender such advice and assistance to the defendants as they may consider circumstances to call for. In cases where the defendants are in indigent circumstances, this assistance will extend to the grant of pecuniary advances for costs, upon a bond to recover on behalf of the Government from the plaintiff, in the event of a successful issue of the suit.

24. It may be that this duty will be found so onerous as to impose upon the local Officers more labour than is consistent with the due discharge of their other functions. In this event, the Lieutenant-Governor will be prepared to receive a proposition for the appointment of a separate Officer, whose duty it will be in communication with the local Officers to supervise the proceedings in all such cases. But before determining on this measure, he is desirous that the Revenue Officers in Rohilcund should have an opportunity of considering the subject, and of offering their opinions upon it.

25. A copy of this letter has accordingly been sent to the Commissioner, in order that he may circulate it to the several Collectors, and may hereafter offer through your Board such observations as may appear to be called for. In the meantime His Honor requests that the Board will favour him with their sentiments regarding it, when a suitable opportunity occurs.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

EMBANKMENTS FOR IRRIGATION IN THE DELHI DISTRICT.

Memorandum regarding embankments for irrigation in the Delhi District.

Dated Head Quarters, 15th February, 1848.

1. The neighbourhood of Delhi is well suited for the construction of tanks and reservoirs for irrigation of the same nature as those which have been so successfully constructed by Lieutenant-Colonel Dixon in Ajmere and Mairwarrah. By their

means, much land that is now waste may yield valuable crops; and the people, who are now unsettled and predatory in their habits, may be reclaimed and turned into thrifty and prosperous agriculturists.

2. The remains of such tanks are still to be traced over the face of the country. It is possible that some of them were constructed for ornamental, rather than for agricultural, purposes; but there is no doubt that many of them, if now restored, would be most valuable in extending and improving the cultivation.

3. The tract of country which lies to the south of Delhi, or rather of the modern city of Shahjehanabad, and which extends from the Nujjufgurh Jheel to the Jumna, covering a space of between 100 and 200 square miles, is that where the works in question can be best constructed, and are most needed. The whole of this ground consists of low hills and of slopes, formed by the gradual slope to the Jumna of that spur of the Mewat hills, which throws off the waters of the Sahibee Nullah, and of the Nujjufgurh Jheel, so that they fall into the Jumna north of Delhi.

4. This tract of country has formerly been the site of a dense population, and is covered with the ruins of former great and wealthy cities. It is full of the greatest interest to the historian and the archæologist, and its minute examination and delineation will add to the knowledge of what is past, as well as provide for the improvement of the present inhabitants.

5. Most praiseworthy, but feeble and desultory, efforts have been made by the local Officers, with the small resources at their command, to restore two of the old embankments, which are situated near the villages of Khirkee and Chutterpore. Good has resulted from these exertions. Cultivation has been increased, and the supply of water in the neighbouring wells has been increased. The sense entertained by the people of the benefit conferred upon them has been shown by their payments for the water thus supplied to them.

6. The Khirkee bund was first repaired by Mr. C. Grant, the Collector, in 1841, but only by means of prisoners. The embankment has since repeatedly burst, and been repaired. No

grant of money has ever been made by Government for this work. The collections noted in the margin have been made from the cultivators at the rate of four annas a beegah of 3025 square yards for all land, which was submerged by the water held up by the embankment.

1252 F. 1845-46, ...	42	12	7
1253 F. 1846-47, ...	14	10	5
1254 F. 1847-48, ...	89	7	10
	146	14	10

Of this sum 71-13 rupees has been expended in building a pucka sluice gate, and the rest in repairs. If this work were thoroughly repaired, it would irrigate about 1,000 beegahs, and would yield at the above rate a revenue of about 250 rupees per annum.

7. A grant of 300 rupees was made in 1843 by the Government for the repair of the Chutterpore embankment. It has since burst and has been again repaired, but is not now in an efficient state. The sum of rupees 47-8-5 has been collected in the current year. The result, though not so great as it might be, is still encouraging.

8. The large ruined embankment at Khanpore Mukboolabad is only one of numerous other similar works which might be repaired at no very heavy expence, but it is evident that nothing effectual will be done, except by a series of well-concerted and scientific operations. The Officiating Collector Mr. A. A. Roberts has a list, which is not yet complete, of no less than twenty-six old ruined embankments, most if not all of which might be repaired. The course to be pursued in restoring these embankments is deserving of careful consideration.

9. The first requisite is the examination and delineation of the whole tract of country by a qualified scientific Officer.

10. The Revenue Survey will form a good groundwork for such an undertaking. Though far from being mathematically accurate, it is still generally true, and is easily susceptible of correction.

11. The map having been drawn on the same scale as the village maps of four inches to a mile, this should be corrected by throwing a series of triangles over the whole. On the map thus corrected the lines of water-shed and of drainage should be accurately laid down, so as to shew the limits of the several basins, and the direction in which they are drained.

12. The position of the old ruined embankments should then be shown in the position where the ruins now lie. Levels should be run along the embankments, and profiles given showing their present and probable original state, with special reference to the former level of the water as indicated by the position of the sluice gates, and by other marks upon the margin of the reservoir. Data will then exist for judging whether the repair of the embankment is advisable, and at what expence it can be effected.

13. It must be remembered that, though the remains of the old embankments will greatly lessen the cost of restoration, yet the very existence of these remains gives rise to peculiar difficulties. The water pent up in its passage through the narrow breach in the old embankment has probably worked for itself a deeper channel than it had when the work was first constructed, whilst much of the old work both earthen and masonry is treacherous and unsound, and liable to be breached anew when first tried by the retention of a large body of water. The work of restoration will therefore require most careful examination and great forethought.

14. The mode in which the Government is to be repaid the expence of these works must be considered.

15. The settlement of all the villages which will benefit by the undertaking has been made up to A. D. 1870. Till that time arrives the Government will not be able to enhance its demand. Lands, which were then settled as unirrigated will continue to pay as such, however manifold may be the increase of their production by artificial irrigation. In the theory of the revenue system it was intended that works of this kind should be undertaken by the people themselves for their own benefit. But this expectation is vain in the present state of the people. Even if the works lay wholly within the properties of individuals who would reap the whole profit, there are neither capital nor enterprise for the undertaking. But when the lands which will come under irrigation lie as they do in many villages, each of which is owned by communities of needy cultivators, all of whom are tenacious of their own rights, and jealous of any interference with them by their brethren, it is evident that the work will

never be accomplished unless the Government come forward. The designs must be matured, the capital must be advanced, and the great portion of the risk must be borne by the Government, which will find its return in the greater security of its present revenue, in the prospect of future enhanced revenue, and in the increased wealth and prosperity of the people, which cannot fail beneficially to affect the general resources of the state. It will be sufficient if the people contribute enough to pay the ordinary interest of 5 per cent. on the outlay and the cost of ordinary repairs. The established rate of 4 annas on the beegah of 3,025 square yards, for all land submerged by the water, will probably suffice for this purpose, but if not they will probably consent to pay 6 annas or even 8 annas a beegah, when once they feel confidence in the adequacy and permanence of the works. They cannot be expected to come forward liberally in support of the undertaking, till they see more vigorous and successful efforts made to supply their wants, than any which they have yet witnessed.

16. The mode in which irrigation from such works is to be carried on deserves more consideration than it has yet received. In the neighbourhood of Delhi, they look only to the improvement of that land above the embankment which has been submerged by the water during the rainy season. In Ajmere they look mainly to the irrigation of the land below the embankment by means of irrigation outlets through the embankments. It is not improbable that both systems may be advantageously combined in the neighbourhood of Delhi. The expected memoir by Lieutenant-Colonel Dixon, on the system of irrigation in Ajmere and Mairwarrah, will enable the projector of the proposed works to decide how far this may be accomplished.

17. In para. 4, allusion has been made to the historical and archæological interest which attaches to this tract of country. It is an object well deserving the attention of the Government to throw light upon these most interesting remains of the Capitals of former Dynasties. The survey may at a very small additional expence be so conducted as to show the site of all ancient monuments, and materially to aid the efforts of those who are otherwise qualified to form an opinion of the æra when

they were erected, and the object contemplated in their construction. The public-spirited individuals, who now form the Archæological Society of Delhi, feel much difficulty to be thrown in the way of their researches from the want of some such accurate map.

18. The agency for carrying out the operations, which have been here sketched, is the great difficulty. The demand for surveyors is so great, and the qualifications for the required work are of so high an order, that it will not be easy to find a person well fitted to execute them. If Mr. Battie makes good his present promise by successfully completing the present works on the Nujjufghur Jheel, he may probably be advantageously employed in the proposed manner when he is more at leisure than he now is. However that may be, there can be no doubt that, in the tract referred to as well as in the whole country, stretching for miles to the south under the Meywat Hills, and in the portion of that range which lies within the British Territory, there is ample room for the employment of many Engineers.

19. The work will not be complete till, by a system of judiciously arranged embankments, the water which falls within these hills during the rains, and now runs to waste, is carefully collected and passed from one level to another, so as to bestow the maximum benefit which its volume is calculated to produce.

J. Thomason,
Lieutenant-Governor, N. W. P.

SUB-ASSISTANT CIVIL ENGINEERS.

No. 66, A.

To the Military Board,
Fort William.

Dated Camp Umballa, 17th January, 1845.

Gentlemen,

Revenue No. 108. The Lieutenant-Governor has long been anxious to raise up a body of Native Civil Engineers, who might materially aid the efforts of the Officers in charge of

Canals in the operations of surveying and levelling, and laying out water-courses, as well as in the preparation of maps and plans, and formation of estimates. All these are operations for which the native mind is well adapted, whilst it would greatly facilitate the labours of European Officers to be able to throw off upon their native subordinates much of this work, which at present occupies their time, and distracts their attention from the more important duties of direction and general supervision, in which they can be most profitably employed.

2. On his late visit to Saharunpore, the Lieutenant-Governor was happy to find in Lieutenant R. B. Smith, Engineers, an Officer who fully entered into his views, and was not only prepared to show how they could be reduced to practice, but also offered his own very valuable services to carry them into effect. Independently of the great facility for executing the project, resulting from Lieutenant Smith's high personal qualifications, there are other advantages connected with the establishment and arrangements on the Eastern Jumna Canal, which render the locality of Saharunpore peculiarly adapted for the contemplated purpose.

3. There are now entertained on this Canal Establishment many Lallas in charge of the several works, both on the main channel and on the lesser branches, who receive a small salary, partly from the Government, and partly from the Zemindars whose water-courses they make or keep in repair. Many of these men are very active and intelligent, but deficient in education and scientific knowledge, conscious of their defects, and desirous to remove them by application and study.

4. On the other hand, we possess, in our Colleges of Delhi and Agra, several young men of very high mathematical attainments, acquainted with the theory of Civil Engineering, and of the principles on which it rests, but destitute of the practical knowledge and skill which can alone render their services as Executive Officers immediately valuable.

5. It is evident that, if we can bring the former and the latter of these together under the immediate superintendence of an Officer like Lieutenant Smith, the one class may impart to the other the knowledge, either of theory or of practice, which

when found united go to produce a really valuable and useful Officer.

6. In order to bring successively under tuition the best of the Lallas now employed on the works, Lieutenant Smith will require to have some money at his command that he may provide substitutes to take their places, whilst they are absent from their works. He is of opinion that 30 rupees per mensem will be sufficient to effect this, and to enable him always to have two or three of the more experienced Lallas, as well as others who would be mere learners, under his more immediate superintendence. This sum may be very properly placed at his disposal, and would constitute a charge on the Canal Funds.

7. A well educated mathematician, from either the Delhi or Agra College, will also be placed at his disposal, and the salary charged to the Education Fund. In order to select a proper person, Lieutenant Smith will be placed in communication with the Principals of the two Colleges, and they will be left to adjust the salary to be allowed to this young man, on such scale as they may find necessary. In the present state of native education this must not be fixed too low. It must certainly exceed 40 rupees per mensem, which is the pay of a senior scholar, and must equal the expectations which persons who have passed through that course of education naturally entertain.

8. Lieutenant Smith must be allowed some latitude in procuring accommodation for his pupils in his immediate vicinity. The charge will be trifling, and may be put under any control which your Board may see fit. He must also have the power of indenting for or purchasing cheap instruments, which are fit to be put into the hands of learners, as well as colour-boxes, and other similar requisites.

9. An important aid to this undertaking will be found in the model-room at Manickmow. Some very beautiful and perfect models of works on the canal cut in stone, are now placed there. They have been constructed by Lieutenant Smith, and at his own expence; but it is not right that he should be thus taxed, in his own purse, for the execution of works, which are of great interest and much public utility. Your Board are requested to make some arrangement for remunerating him the expence of

those he has now prepared, and enabling him to add to their number. These models are all formed on a scale, and will be of great use in explaining to pupils the nature, construction, and use of the several works, and in affording them practice in the preparation of plans, sections, elevations, and estimates from standing works.

10. There are now in the Canal Office at Manickmow many valuable rough plans and memoranda of the several works on the Canal, which have been accumulating ever since the undertakiug was commenced. These are in great danger of being destroyed, whilst the Government is on the point of losing the services of Captain P. T. Cautley, by whom they were mostly compiled, and of whose industry and talent they form an invaluable record. Lieutenant Smith is very desirous to be authorized to arrange these topographically, so as to bring together in one consecutive chronological series the several plans of each work, proceeding from the head to the tail of the Canal, and to make fair copies of them in a book which shall form a permanent record in the Office. This is a most valuable and praise-worthy undertaking, and deserving of all encouragement. The copying of the plans will form a suitable exercise for the pupils, and all the additional requisite expence will be the pay of a common English writer to write in the English notes upon the several sketches. If your Board concur in these statements, you are authorized to afford the required assistance for a year, or such limited period as may be requisite.

11. But whilst provision is thus made for the instruction of natives as Civil Engineers, in the midst of engineering undertakings on which the wealth of the country, the revenues of the Government, and the lives of the people are dependant, it is evident that the progress of instruction will be slow, unless some distinct inducement is held out to the pupils of profitable employment, if they attain a stated proficiency. Young men of education have now high prizes held out to them in the Judicial and Revenue Services, as well as in the Medical profession, and in the Educational Department. There is a large field for their profitable employment as Engineers, but it is useless to expect that they will turn their attention to the subject unless they

meet with suitable encouragement. If your Board wish to draw into your employ men of liberal education and high scientific attainments, it is necessary that a liberal scale of remuneration should be fixed. The arrangements in the Medical service might very advantageously be adopted. There might be two classes of employés—Native Ameens or Surveyors, who should have acquired knowledge of a lower standard through native sources of information, and be entitled to fixed remuneration on a certain lower scale, increasing with length of approved service; and there may be a higher class, who have studied through the medium of English, and have attained proficiency in the higher branches of mathematics, and are entitled to a more liberal scale of salary. These may be called Assistants, or Sub-Assistant Surveyors. Certificates of having reached a required standard of qualification may be granted by the Colleges, or by Committees of Engineer Officers, and employment for those duly qualified be immediately provided.

12. The Lieutenant-Governor is not able at present to fill up this scheme, but earnestly invites the attention of your Board to it. The points on which your opinion is most required are the scale of remuneration to the two classes of Officers, and the test of qualifications which they should be required to pass. When these are once fixed, the Government will charge itself with finding the machinery for giving instruction, and the employment when the required qualification has been attained.

13. Your Board will probably feel disposed to consult with the Members of the Council of Education in Calcutta on the scheme proposed in the latter part of this letter, but no time should be lost in giving effect to the suggestions contained in the former for making an immediate commencement under Lieutenant Smith. The necessary communications will be immediately made to the Local Committees of public education at Delhi and Agra, and a copy of the letter will be furnished to Lieutenant Smith.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government.

No. 804.

To the Military Board,
Fort William.

Dated Agra, 1st March, 1848.

GENTLEMEN,

REVENUE DEPARTMENT, No. 2.

I am desired to forward for the consideration of the Board, the annexed copy of a minute by the Lieutenant-Governor containing his observations on the Eastern Jumna Canal which he lately visited.

2. In order to place his views in the clearest light, I am desired to recapitulate here the objects to which he wishes attention to be directed, as next in importance to the completion of the main lines of irrigation (Rajbuhas) which are now in course of construction. These objects will be enumerated as nearly as may be practicable in the order in which they should engage the attention of the local Officers.

3. *First.*—The re-survey and rectification of the line of the Canal in the Central Division, and the removal of the bar of clay at Shamli, (para. 6).

Second.—The drainage of the Gundowra and other Jheels, and the prevention of the accumulation of water near the Canal banks, together with the complete drainage of Shamli, and the formation of the Tunnel near Bynswal, (para. 5).

Third.—The increase of boats and their employment for the carriage of passengers and merchandise, together with the introduction of improved appliances for agriculture through their means, (para. 9).

Fourth.—The introduction of improved water-wheels for grinding corn, and the employment of water-mills for other economical purposes, (para. 8).

Fifth.—The addition of Ghats and drinking troughs or reservoirs for cattle to the bridges, and their formation at all convenient spots, (para 12).

Sixth.—The extension of the grafted mangoe plantations, (para. 11).

Seventh.—The improvement of the system of charging for irrigation and of collecting the water rents, (paras. 7 to 14).

Eighth.—The formation of a complete map of all the land susceptible of irrigation by the Canal, (para. 10).

Ninth.—The transcription and arrangement of all working plans, memoranda, &c. regarding the works on the Canal, (para. 3).

Tenth.—The education and moral improvement of the subordinate Officers on the Canal Establishments, (para. 13).

4. The Officers connected with the Canal will consider themselves called upon, as opportunity may permit, to submit plans for the accomplishment of all these objects, and when the expence attending them may not be great (say 500 rupees for any one work) and the necessity for immediate action apparent, they are authorized immediately to execute the work quoting this letter as their warrant for the charge.

5. The Lieutenant-Governor confidently depends on your Board's zealous exertions to second his wishes for the accomplishment of the important objects detailed above.

6. A copy of this letter and of its enclosure will be forwarded to the Superintendent General of Canals, Major P. T. Cautley.

I have the honor to be, &c.

A. SHAKESPEAR,

Assistant Secretary to Government, N. W. P.

MINUTE ON THE EASTERN JUMNA CANAL.

Minute by the Hon'ble the Lieutenant-Governor of the North Western Provinces.

1. Having lately passed down the course of the Eastern Jumna Canal from Saharunpore to its re-union with the Jumna opposite Delhi, I think it right to place on record such observations as occur to me, regarding the present state and future management of the work.

2. The great difficulties which resulted from the imperfect designs and faulty execution of this Canal in the first instance have now been in a great measure overcome. The masonry works in the northern division have been rebuilt or strengthened, and the slope of the bed along the whole course has been

regulated, or arrangements have been so made that the regulation will be effected in a certain time, and according to a determined manner.

3. Major Cautley's printed notes on this Canal have been of the greatest service. Daily experience establishes the justice of his views regarding the slope of the bed, and the valuable suggestions, which are contained throughout his paper, are always kept in sight, and are in process of gradual execution. The further transcription and arrangements of all the working plans, &c. which was contemplated in para. 10 of Mr. Thornton's letter to the Military Board of 17th January, 1845, has not yet been accomplished, but it is hoped that Lieutenant B. Smith will soon have time at his disposal for this purpose. Similar compilations for the Western Jumna Canals are much wanted, and it is hoped that Major Baker will not leave the country, without compiling notes for them, similar to those which Major Cautley has published for the Eastern Jumna Canal.

4. The benefit, which the Canal has conferred on the people is unquestionable and incalculable. Tracts of country, which were covered by dense forest and jungle when the Canal was opened, are now richly cultivated. On either bank of the southern division of the Canal, the cultivation is complete, and in the central and northern divisions the small remnants of forest and jungle, which may still be seen, are rapidly disappearing. The industrious Jat communities, who possess many villages in the southern divisions, have been enriched, whilst the Goojur and Rangur proprietors have been greatly reclaimed from their idle and predatory habits, and are fast becoming peaceful and thrifty cultivators. The latter result has been remarked to me by all persons, from whom I made enquiry, and it is a gratifying indication of the right method of dealing with people of those classes. When once they obtain a known and valuable property in the land, they will become cautious of resisting constituted authority, and will yield a ready obedience to the coercive measures which the police must necessarily employ to restrain their excesses. Firmness and vigilance on the part of the Magistrate are always most necessary, but they will be doubly effectual when they are seconded by well-devised

measures in the Collector's Office for creating a valuable property in the soil, and for equitably determining the precise nature and extent of the property by each member of the community.

5. The sickness, which some time ago formed the subject of complaint along parts of the Canal, is now greatly lessened. This is mainly owing to a general improvement of the climate throughout the country. The sickness was not before confined to the neighbourhood of the Canal, and its mitigation or cessation are observable elsewhere as well as here. Nevertheless, it may have been aggravated by the malicious influences which prevailed in the immediate neighbourhood of the Canal, and it is still incumbent on the Government to make every possible exertion to lessen those influences, by removing every impediment to the drainage of the country, and by so strengthening the banks as to prevent the irregular escape of the water, and its accumulation in marshes in the vicinity. Much has already been done towards effecting this by under draining the ramps and water-courses wherever that is necessary. A drain has been made to remove the water from the Urnuthmow Swamp (Jheel). The same is now in progress for draining the Hingowlee Swamp (Jheel); but there are the Gundowra and other Jheels, to which nothing has yet been done; and the Tunnel under the Canal, which was proposed by Lieutenant B. Smith for removing the water that accumulates near Bynswal, has not yet been commenced. The cut for draining Shamlee has not been completed in a satisfactory manner. That work should be carried out completely, the course of the Shamlee Nullah being straitened and widened, till a sufficient slope has been attained to prevent the accumulation of water near the town. This is quite practicable and should not be delayed. The work when executed should remain in charge of the local Officers, the cost of its maintenance being defrayed equally from the local funds and from the Canal receipts.

As recommended in paras. 281 and 282 of the notes by Major Cautley.

Vide para. 124 of the notes.

Approved by Government orders of December 23rd, 1847.

6. Much as has already been done to improve the Canal

in the Central division, it is evident that a great deal more remains to be effected. The completion of the several main irrigation lines (Rajbuhas) now in progress, and the removal of most of the direct irrigation outlets from the banks of the Canal, is a most important step in improvement; but the progress forward of the silt which accumulates in this portion of the Canal, and which has a constant tendency to raise the bed, and so to cause rupture of the banks, proceeds but slowly. The bar of stiff clay near Shamlee, which impedes the free flow of the water southward, has never been removed, and the tortuosities of the Canal, where it follows the course of the Shamlee Nullah from Abba, have never yet been lessened. Much still remains to be done on this portion of the Canal. An accurate survey of the line, and the fixing of permanent benchmarks along the banks, will be the preliminaries of all improvement. Lieutenant B. Smith has the plan of operations completely laid out before him, but he has no leisure to conduct them himself, and he has no Subordinate to whom he can at present delegate the work. He requires another assistant especially for this purpose, if it is to be effected without detriment or delay to the other very important works now in progress. That aid should certainly be given, if a well qualified person were available for the duty.

V. para. 275½ (page 122) of the notes.

7. Much improvement may be made in the mode of irrigation from the Canal. To charge water-rent according to the extent of surface irrigated is a rude and very objectionable process. It involves constant measurement of land, which is harassing and costly. It opens a wide door to bribery and extortion on the part of the subordinate Officers of the Canal departments, and to fraud and embezzlement on the part of those who irrigate. It offers no check to the waste of water, and no inducement to economize it. The contract-system, as enforced on the Western Jumna Canal, is an improvement, but the stipulated outlet for irrigation is not sufficiently regulated. And the great object of charging according to actual discharge is still unattained. The system of irrigation must be considered incomplete till this object has been accomplished. When water-rent is

charged according to the quantity of water supplied, and when no more will be supplied than is stipulated for in the contract, and deduction can be allowed whenever the stipulated supply falls short, the system may then be considered complete. No measures have yet been taken for the accomplishment of this object. There may be difficulties in the way of using the Milanese Module, but a series of experiments should be conducted for ascertaining how far it is possible to adopt that description of regulating sluice to the purposes of the Canal. It should be tried on the turbid waters of the Jumna Canal, and in the clear waters of the Dhoon; it should be tried on different slopes, and with such varieties of form as are best calculated to meet the peculiar circumstances of irrigation from the Jumna Canal. It cannot be that the simple problem involved in the construction of such a contrivance, is so difficult of solution, as to baffle the high engineering skill which is available in this country.

8. Little has been done towards the introduction of improved machinery on the Canals. The valuable motive power afforded by the rapid passage of so large a body of water down a steep slope is still employed only for grinding corn. The machine by which this is effected is still the rude Punchukkee of the country, the least economical method in which water can be used for moving machinery. Many years have passed away, and nothing has yet been done to convince the natives of the country of the value of the great mechanical power which we have placed at their command. The turbine should be introduced wherever the water power is such as to render its economy desirable; and sugar-mills, oil-mills, and perhaps threshing-mills, should be erected as well as flour-mills. The experiments of this sort must be conducted in the first instance at the cost of the Government, especially when the water power is their own property.

9. The raising of the bridges has been of great benefit in throwing open the navigation of the Canal. There cannot be a more gratifying sight than is afforded by the stacks of timber which are accumulated by timber merchants on the Canals, and to know that the timber finds a ready sale amongst the villagers, who are thus

See para. 218 of notes.

daily adding to their comfort by the construction of more substantial tenements than they could afford before the Canal placed the timber within their reach. But this is trifling, compared with what may yet be effected. The Canal boats may be employed for the conveyance of other building materials than wood. They may carry to market the rich agricultural produce which the water causes to grow, and which the machinery converts into food. They may bring to the people from other parts of the country those materials or appliances which will lighten their labours and economize their industry. The substitution of stone for wooden sugar-presses (Kolhoos) is a simple and beneficial change, which may easily be effected through the instrumentality of the Canal. The ingenuity of the Canal Officers cannot be better employed than in promoting experiments of this nature. The Superintendent General of Canals must be considered competent to sanction moderate disbursements for the conduct of such experiments.

10. No complete map of the Canal has yet been published. The sketch map, for the printing of which authority was given by the orders of September 7th, 1847, is very inaccurate and insufficient. Materials in part exist for the construction of a better map. These must be completed, and the result should be published. The map should be on the scale of two miles to an inch, and should shew all village boundaries and village sites, all roads, and water-courses both natural and artificial, with all masonry works on the Canal designated as they stand on the Canal books. The colouring of the map should show the revenue divisions of the country, and distinguishing lines should separate the course of the Canal into the several divisions which limit the jurisdictions of its Officers. By a little manual dexterity, all this may be shewn without confusion, and if the map be transferred to stone in England, the skill of the Designer will not be injured by the awkwardness of the Lithographer.

11. The plantations of good mangoe trees promise to be very successful. The annexed memorandum shows that they are already, only 4½

RECEIPTS.

1 Manickmow	Garden, established	May 1844,		149	4	0
2 Berkeri	do.	do.	do.	142	4	7
3 Dowlah	do.	do.	do.	227	9	0
4 Surrowli	do.	do.	June 1843,	723	10	1
5 Selimpore	do.	do.	May 1844,	238	2	0
			Total, ..	1,480	13	8

EXPENDITURE.

1 Manickmow,	1,024	1	8
2 Berkeri,	903	9	2
3 Dowlah,	879	6	2
4 Surrowli,	1,735	15	0
5 Selimpore,	847	0	8
Total, ..	5,390	0	8

years after the establishment of the oldest plantation, beginning to be very profitable. The trees are much sought after by the wealthier classes of Natives as well as by Europeans. It is most desirable thus to encourage a taste for useful and wholesome luxuries of this kind, even irrespective of the pecuniary return. Some cost should not be grudged in collecting new and the best kinds of mangoe trees from all parts of the country. New plantations will be soon formed at all the first class chowkies.

V. para. 237 of notes.

12. Every thing that is practicable should be done to make the Canal conducive to the comfort of the people. There are flights of steps (Ghats) attached to two or three of the bridges;* but in future Ghats should be made a constant appendage to every new bridge that is built, and they should be added on to the old bridges near the large towns, and wherever they are likely to be useful. In like manner, drinking troughs or reservoirs should be provided for the cattle, wherever this can be conveniently done. Such appendages to a great public work like the Canal cost little, and show a thoughtfulness for the comfort of the people which cannot but have a beneficial effect.

* As at the Muhrampore bridge v. para. 189 of notes.

13. The proper control of the establishments on the Canals is a duty to which too much importance cannot be attached. A vigilant and active body of guardians and collectors must be maintained to protect the works from injury, to ensure the fair distribution of the water, and to collect the Canal dues. These men, from the nature of the duties they perform, necessarily are possessed of great power both to injure and to benefit. False complaints with a view to the infliction of unjust fines can be guarded against and prevented without much difficulty; but bribery, to obtain the partial distribution of water, or even to ensure a just supply, cannot be repressed without the greatest

vigilance. Every possible care should be used in the selection of respectable men. They should be treated well, and their pay may be gradually raised as the funds of the Canal increase. It is not vain to hope that the College at Roorkee will, in time, place at the disposal of the Government a body of men, possessed of good scientific attainments, and whose character and temper have been well tried. These remarks are applicable to the European as well as to the native subordinates. It will be gratifying to see European Overseers rising to the useful and honorable positions occupied by Mr. Brew in the southern division, and the hope may be entertained that natives will hereafter be found similarly trustworthy and efficient.

14. I am not satisfied that the collection of the water-rent might not, under an improved system, be advantageously transferred from the Canal Officers to the Collectors of land revenue. Wherever the contract system prevails, and the demand from a village is fixed, the water-rent might be consolidated with the land revenue and collected simultaneously. The advantage is that the landed proprietor would be free from the double demand on the part of two separate establishments, to which he is at present subject, and that the establishment would have more leisure than at present for their peculiar duties in guarding the works and distributing the water. The process for collecting the land revenue and the water-rent is the same, and it is not impossible that the Canal Officers may find themselves perplexed when they are called upon to enforce the payment of water-rent from contumacious and litigious proprietors.

J. THOMASON,

Governor, N. W. P.

VILLAGE SCHOOLS IN THE N. W. P.

No.

To G. A. Bushby, Esquire,

Secretary to the Government of India,

Home Department,

Fort William.

Dated Agra, the 18*th April,* 1848.

SIR,

GENERAL DEPARTMENT. I am desired to acknowledge the receipt of Mr. Under-Secretary Edward's letter, dated October 25th last, forwarding an extract (paras. 9—13) from the Hon'ble Court's despatch, No. 20, dated August 25th last, which contains their sentiments on the proposal for the formation of village schools, set forth in my letter, No. 1089 of November 18th, 1846.

2. The Hon'ble Court recognize "the necessity for giving some powerful impulse to elementary education in the North Western Provinces," and "are prepared to sanction the adoption of some more comprehensive plan of extending and improving the means of popular instruction throughout the country."

3. This cordial admission of the bases on which the whole proposal rests is most gratifying, and with reference to it the Lieutenant-Governor would only remark that all the information he has since received fully corroborates the opinion before expressed. This information in great part will be found in the appendices to the education reports of 1845-46 and 1846-47, (the latter of which is on the point of issuing from the press,) and it is the intention of His Honour shortly to have the whole embodied in a separate Memoir, which will be translated into the vernacular languages and printed and published.

4. Subsequent experience has also confirmed the Lieutenant-Governor in his opinion, that those features of our present revenue system which affect the registration of all landed property afford the proper means by which the mass of the people may be aroused to a sense of the importance of sound elementary instruction. If the people at large continue as ignorant as they now are, the system cannot work out for them all the

advantages it is calculated to produce. These advantages are so palpable to their minds that, when rightly apprehended, they form the strongest incentive to any exertion which will ensure their attainment.

5. Already much has been done, especially in particular districts and by certain Officers. The system is becoming nationalized. The best proof of this may be found in the great demand for Ram Surren Doss' four elementary treatises. Of some numbers of these treatises, the first lithographed edition of 1,600 copies, and the second printed edition of 10,000 copies, have been already exhausted; and a third edition of 10,000 copies is now in the press. Almost all these books have been sold at the cost price. Gratuitous distribution has been discouraged to the utmost.

6. The fear now is that the village and the district Officers will be so far ahead of the mass of the people, as the more to expose the latter to injury from dishonesty and intrigue. The first efforts of the Collectors have of course been to instruct thoroughly their own Omlah, the Canoongoes, and the village Putwarries. But it has hence become the more incumbent upon the Government to call into operation some agency, whereby the people also may be enabled to secure for themselves the necessary extent of information, and thus to preserve their interests from the peril to which they will be exposed by dishonest registration.

7. Acting under this conviction the Lieutenant-Governor proposed the scheme contained in my letter of November 18th, 1846. Compared with the effect it might have produced, it was very cheap. It was in conformity with the habits and feelings of the people, and involved no payment from the public Treasury, and was therefore simple in its operation and required comparatively little check and supervision. If it had been sanctioned, it would have been in the power of the local Government by a brief Notification to have drawn immediate attention to the subject all over the country, and at once to have every where set in motion a machinery which might have been improved and matured as opportunity favoured.

8. Whilst however the Hon'ble Court admit "the advan-

tages ascribed to this scheme," they considered some of its features "open to obvious objections," and they "are not satisfied of its expediency," and further they "are disposed to prefer the grant of a monthly stipend to such school-masters as may be appointed to the large villages, or those, if properly qualified, who may be already employed in them, making them responsible to the local Government through the constituted authorities for the proper discharge of their duties." The Lieutenant-Governor is too thankful for the liberality of these concessions to lay any stress on the rejection of his particular scheme. He has set himself with earnestness to devise a plan which shall meet the Hon'ble Court's wishes. The best mode of accomplishing this object has been the subject of frequent discussion with all the public Officers with whom he came into communication in the course of the tour which he has made since the receipt of the letter under acknowledgment. The result will be found embodied in the scheme separately appended to this letter. The considerations on which the scheme rests will now be explained.

9. The objections to money payments to village school-masters are these.

First.—They must consist of many petty payments, the faithful disbursement of which in remote parts of the district it will be difficult to ensure.

Secondly.—They lead the school-master to look exclusively to the Government, and to neglect the conciliation of the people. The school-masters are considered the servants of the Government and not of the people, and are therefore viewed with less of cordiality and more of distrust, than if they were remunerated by an endowment of land.

Thirdly.—There will always be danger lest the actual appointment of a village school-master, or his apprehended introduction into a village without the wish of the people, will discourage others from coming forward to meet the voluntary exertions of the people. The Government schools may sometimes supersede and discourage the natural efforts of the people to supply their own wants.

10. These considerations disincline the Lieutenant-Governor

to recommend the general introduction into the villages of school-masters, regularly paid by the Government. He is hopeless of preventing extensive embezzlement, except by a controlling agency disproportionately expensive, and he is reluctant to check the efforts which are now put forth, inconsiderable though they may be, by the people themselves for the education of their children.

11. The scheme therefore only contemplates the establishment of one Government school, and that as it were a model school, in each Tehseeldaree, and provides a powerful agency for visiting all the indigenous schools, for furnishing the people and the teachers with advice, assistance, and encouragement, and for rewarding those school-masters who may be found the most deserving. In the latter provision may probably be found the means hereafter for affording a certain remuneration to the successful village teachers. A certain payment for all pupils who regularly attend, or who reach a certain standard, may be hereafter promised, but it would not be expedient definitely to fix this point in the present stage of the proceeding.

12. The following is an estimate of the expence, which will be involved in the introduction of this system in the 31 districts which form the old acquired territory of these provinces.

1 Zillah visitor, ... Rs.	150
*3 Pergunnah visitors @ 30,..............	90
*6 Tehseeldaree school-masters @ 15,......	90
Total per mensem for each district,	330
Or per annum, ...	3,960
Add for rewards, ...	540
Total for each district, ...	4,500
Total for 31 districts, ...	1,39,500
Add 26 district schools where there are no Colleges @ 2,400 per annum each,....	62,400
Company's Rupees,	2,01,900

* There are on an average about six Tehseeldarees to every district.

But this is the total, which is to be eventually reached when the scheme is complete. The scheme is not at present sufficiently matured to admit of its general introduction, nor can the fitting agents be at once found. All that the Lieutenant-Governor at present asks is the power to introduce it into eight districts, which he may select. This will involve an expence not exceeding 36,000 rupees per annum. The actual sum expended for promoting vernacular education on this scheme in the eight districts should be charged in each month, within the above limit, which will not be reached for some time.

13. But it is evident that this scheme will depend for its efficiency upon the activity and the discretion with which it is superintended. There must be some Officer who will visit the interior of the several districts, will be himself in constant communication with all the Zillah and Pergunnah Visitors, and will combine the operations in the different Zillahs, and see that the whole are carried on consistently and Vigorously. The Government itself cannot do this;—nor can the local Officers, for they act separately each in his own district, where many other more important operations constantly occupy their attention. There must be a separate supervising Officer in order to ensure proper care, and that Officer must, at first at least, be a Civilian of talent and experience, because the success of the scheme depends on the possession of a good acquaintance with the land revenue system, and upon that influence which a Civilian always carries with him in this country. The salary should be 1,000 rupees per mensem, and travelling allowance at the rate of 8 annas per mile, which would perhaps be equivalent to another 100 rupees per mensem, and would make the total annual expence 13,200 rupees. The limit then of the expenditure now proposed would be

For the Districts, ... Rs.	36,000
For the Visitor General,..................	13,200
Total, .. Rs.	49,200

14. The Lieutenant-Governor desires me to add that in anticipation of the Court's sanction, he has already incurred

some expence in measures of this nature in the immediate neighbourhood of the Colleges of Benares, Agra, and Barreilly, and in communication with the local Committees in those districts. Although these operations have been on a more limited scale than are proposed in this letter, they yet have intrenched very considerably on the limited funds at his disposal for the purposes of education in these provinces ;—so far indeed as to exceed the stated monthly income. If his views as now set forth meet the approval of the Right Hon'ble the Governor-General in Council, he hopes that authority may be granted for relieving the education fund from all charges on this head during the current official year of 1847-48.

15. As regards moreover the proposal for the appointment of a Visitor General, it is hoped that in the event of this involving a reference to the Hon'ble Court of Directors for sanction, the Lieutenant-Governor may be allowed at present to appoint an Officer to officiate in that capacity with the proposed travelling allowance, leaving his ultimate appointment to depend on the Hon'ble Court's determination.

16. The proposals then to which the approval of the Right Hon'ble the Governor-General in Council is now solicited are these.

First.—Sanction to an expenditure not exceeding 36,000 rupees per annum for the promotion of the proposed plan of vernacular education in eight districts.

Second.—Permission to charge to the general finances, the sums which have been already expended during the current year for this purpose from the education funds.

Third.—Authority to appoint a Civilian to be visitor General of Government schools, either permanently on a salary of 1,000 rupees per mensem and travelling allowances at 8 annas a mile, or temporarily on a deputation allowance corresponding with that amount of fixed salary.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

SCHEME FOR PROMOTING VERNACULAR EDUCATION.

Scheme for promoting Vernacular Education in the North Western Provinces.

1. The establishment for each district shall be,—
   - 1 Zillah visitor with a salary of from 100 to 200 rupees per mensem.
   - 1 Pergunnah visitor for every 2 Tehseeldarrees, each receiving from 30 to 40 rupees per mensem.
   - 1 School-master in each Tehseeldarree, receiving from 10 to 20 rupees per mensem.

2. The Zillah visitor should be conversant with the Hindee and Oordoo languages, so as to be able to read and write them with ease, and to be familiar with the books ordinarily read in them. He should also be acquainted with either Persian or Sanscrit. He should understand the mode in which a Settlement Missul is compiled, as also Putwarries' accounts, and arithmetic, and land mensuration, as practised by the natives.

3. The Pergunnah Visitors and School-masters must know Oordoo and Hindee and be familiar with Ram Surrun Dass' four books, as also with the usual elementary books in those languages.

4. The School-masters shall be entitled to receive from their scholars the usual fees paid in the district, over and above the money allowed from the Government.

5. The School-masters and the Pergunnah Visitors shall be chosen as much as possible from persons resident in the neighbourhood. Those who have local influence and a well-established reputation should be preferred.

6. The Pergunnah Visitors should visit at least twice in the year all the principal villages in their districts, and especially every one in which there may be schools. They should try to induce the people to establish schools, and should examine those schools which exist, and ascertain the qualifications of the teachers, and the progress of the pupils,—reporting upon them to the Zillah Visitor. They should also instruct the village teachers

in the best mode of teaching, and they should assist them to procure books and other materials for their schools.

7. The Zillah Visitor should inspect every considerable school at least once in the year. He will superintend the Tehseeldarree School-masters, and will see that they perform their duty.

8. The sum of about 500 Rupees in each year shall be at the disposal of the Zillah Visitor to give in rewards to the most deserving of the Village teachers.

9. No village teacher will be compelled to receive the visits of either the Pergunnah or Zillah Visitor, contrary to his wish; but where these visits are declined, the Visitors will ascertain the circumstances of the school from such sources of information as are open to them, and will mention them in their reports. No village teacher, who declines the aid of the Visitors, will receive any reward.

10. It will be the duty of the Zillah and Pergunnah Visitors to conduct themselves with the greatest courtesy and conciliation both to the people at large and to the village teachers. They will carefully avoid any thing which may offend the prejudices, or be unnecessarily distasteful to the feelings, of those with whom they may have communication. Their duty will be to persuade, encourage, assist, and reward, and to that duty they will confine themselves.

11. The Zillah Visitor will be Agent for the sale of school-books of which he will receive supplies from the Curator of school-books at Agra. He will be responsible for the safe custody of the books and the realization of the price, and he will receive a commission of 10 per cent. on all the sales which he may effect.

12. The Zillah Visitor will report annually on the state of education in the Zillah to which he is appointed, giving the several particulars which are required in the orders regarding the statistics of education furnished to the Government, and noting all facts that may come to his knowledge, which throw light on the progress of education among the people.

13. When education has sufficiently advanced in any district to afford hope that a Zillah school at the Sudder Station will be prized, and will prove beneficial, a grant, not exceeding 200

rupees per annum, will be made to aid in the establishment of such a school, but fees will be demanded from all scholars who may attend it.

J. Thornton,
Secretary to Government, N. W. P.

SURVEYS IN DELHI AND ROHILCUND.

No. 1247.

To G. A. Bushby, Esquire,
Secretary to the Government of India,
Home Department,
Fort William.

Dated, Agra, the 28th March, 1848.

Sir,

Revenue Department, No. 306.

The Lieutenant-Governor has been given to understand by Lieutenant Vanrenen, in charge of the Ajmere and Mhairwarrah Revenue Survey, that the duty, on which that Officer is employed, will be so far brought to a conclusion in November next, that the small remaining portion of the detailed survey of the southern part of Mhairwarrah might then be left to a portion of the establishment with an assistant, Lieutenant Vanrenen himself and the greater part of his establishment being available for duty elsewhere.

2. The survey party is a very efficient one. When so much work of this sort remains to be done in these provinces, it would be very inexpedient to break up the establishment and discharge the party. Lieutenant Vanrenen and his establishment should be employed elsewhere, in that part of the country where they are most needed; and the sooner a decision is come to on this point, the more economical will be the arrangement. Any want of forethought or preparation in the operations of an expensive establishment of this kind, which depends for its efficiency on the consent of other departments, delays its progress, and adds to its cost. The Lieutenant-Governor is therefore desirous to obtain, on the earliest date, the decision of the Right Hon'ble

the Governor-General in Council regarding the future destination of this survey party.

3. The survey of the whole Cis and Trans-Sutlej Territory is sufficiently provided for by the parties now engaged there.

4. The survey of the Saugor and Nurbudda Territories has been decided upon by the Right Hon'ble the Governor-General in Council; but the Lieutenant-Governor learns from Mr. Secretary Elliot's letter to the Deputy Surveyor General, dated 10th March, 1848, that it is intended to move the Sutlej Survey parties thither at the commencement of the season of 1849-1850. The Lieutenant-Governor has no certain information of the progress which has been made in the boundary work there, or whether the territory will be ready for survey in November next.

5. It will doubtless be judged expedient to survey also the districts transferred by the Gwalior State under the treaty of the 13th January, 1844. Of these districts, Hindia and Hurdah, as well as Chunderee, adjoin to the Saugor and Nurbuddah Territories, and would fall within the operations of that survey; whilst Kuchwahaghur and the unsurveyed pergunnahs transferred from Jhansie would come within their reach. Jawud Neemuch is not far from Ajmere, and might advantageously be reached from Ajmere, if the survey were decided upon, and the country in a proper state of preparation. Supposing the survey to be now sanctioned, yet the territory is so scattered and intermixed with Meywar, and the difficulty of carrying on any operations in concert with that State is so great, that the country could not be well-prepared for survey in time. It will be better that the Saugor and Nurbuddah surveys after they have completed their work there turn, one of them northward to Kuchwahaghur, and the other in a southwesterly direction, first to Nimaur and thence to Neemuch.

6. Annexed to this letter will be found some documents* showing the great importance of a re-survey of part of these provinces in connection with irrigation.

* MEMO. *regarding embankments for irrigation in the Delhi Territory, dated 15th February*, 1848.
To Surveyor General, dated 30th Sept. 1847, with enc.
From do. do. dated 30th Nov. 1847, do.
To do. do. dated 13th Jan. 1848.

7. The memorandum regarding embankments near Delhi is the result of many years' experience in that part of the country. The Lieutenant-Governor has long been satisfied of the importance of some systematic effort for the improvement of the Delhi Territory. His late visit to it, and personal inspection of many of the decayed embankments, have confirmed his impression. In the immediate neighbourhood of this country lies the Pergunnah of Kot Kasim, which has lately been transferred to the management of British functionaries by the King of Delhi. This pergunnah should be surveyed and mapped.

8. The survey of Rohilcund is known to have been one of the worst in these provinces. The establishment was the least efficient of any, and the natural difficulties to be overcome the greatest. The resulting inconvenience has been most felt in the northern pergunnahs adjoining the hills. Great attention has lately been paid to this part of the country. The measures for draining and irrigating, as well as the natural increase of population and spread of cultivation, are giving additional value to these lands. An accurate survey of them is much required in order to give a secure title to land, and also to facilitate the construction of works for irrigation. There is much correspondence in this Office establishing the necessity for this survey. That which is here transmitted is only a part, and shows the recognition of that necessity by the Surveyor General of India, who is the most competent judge in the country.

9. These two surveys in Delhi and Rohilcund will not be mere Revenue Surveys. The rivers and lines of drainage must be laid down as accurately as the village boundaries. There will be much levelling, as well as horizontal surveying. It will also be necessary to combine a system of triangulation with the ordinary circuit surveys. The heavy jungle in northern Rohilcund often renders the duty of the Surveyor peculiarly arduous, and obliges him to resort to expedients for obtaining an accurate delineation of the country, such as are not necessary in more open and better known tracts.

10. For these duties Lieutenant Vanrenen is peculiarly qualified. He has had experience in the Canal Department in Scinde; In Ajmere and Mhairwarrah, he has become familiar

with those extraordinary works, which Lieutenant-Colonel Dixon has constructed there with well-known ability and success. No part of the country is better fitted than the country south of Delhi to benefit by such works, and it would be very desirable that those, who are familiar with their form and features, should survey the country with a view to their introduction there.

11. It is not easy to say how long the proposed works should occupy the survey party. A belt of land in width about twenty miles, stretching along the foot of the hills from the Surdah to the Ganges or the Jumna, will need to be surveyed. The duty cannot be completed before the close of the season of 1849-50.

12. Under these circumstances the Lieutenant-Governor trusts that his Lordship in Council will consent to leave Lieutenant Vanrenen's survey party at the disposal of this Government for the next two seasons, to be employed in the contemplated manner.

13. A copy of this letter will be sent to the Foreign department, as the questions discussed in it have reference to much that has passed in communication with the Secretary in that department. A copy will also be sent to the Deputy Surveyor General, in order that he may be prepared if necessary to express his opinion on the points connected with his special duties.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

SUMMARY AWARDS BY REVENUE OFFICERS.

No. 1515.

To G. A. Bushby, Esquire,

Secretary to the Government of India,

Home Department, Legislative.

Dated, Agra, the 30th March, 1847.

Sir,

Judicial Department, No. 66.

In my letter to your address, No. 4957, dated 18th November last, allusion was made to the evils which were experienced from the present

state of the law, regarding the decisions of the revenue authorities under Regulation VII. 1822 and Section 3, Regulation IX. 1825. The annexed draft of a proposed Act is intended to meet one of the greatest of those evils.

2. When the principles of revenue administration embodied in the code of Regulations came to be applied to the state of landed property which exists in the North Western Provinces, it was found that great doubts existed as to the nature and extent of the rights, which vested in the parties interested in the cultivation of the soil.

3. The series of operations, which followed the enactments of Regulation VII. 1822 and Regulation IX. 1833, was intended to remove this uncertainty and to give a good and secure title to all landed property. The course which was traced out by the resolution of Government was laborious and expensive. The scheme has, however, been worked out, and a record of rights connected with the land, more or less complete in its details, has been formed throughout the North Western Provinces.

4. Some defects in the legislative provisions for effecting these operations have deprived them of much of the benefit they were intended to convey.

5. Regulation VII. 1822 vested the primary judicial determination of all such rights in the hands of the Revenue authorities, who were to carry on their operations under the direction and immediate control of the Government. Not only did the Government prescribe the mode in which the proceedings were to be conducted, and in which the rules contained in Regulation VII. 1822 were to be applied, but it also either itself or through its subordinate agents enforced the right observance of these directions.

6. Hence from every primary decision by an Officer engaged in making a settlement, an appeal lay to the Commissioner, the Sudder Board of Revenue, and the Government. This, in itself, might have been considered sufficient security against error. But the provisions of Regulation VII. 1822, which empowered persons dissatisfied with the decisions of the Revenue authorities to bring regular suits in Civil Courts to contest such decisions, threw open a further field of litigation. The disputed question,

though set at rest in the Revenue Department, after the most careful deliberation by the ablest men in that branch of the service, might be made the subject of a regular suit before a subordinate Civil Judge, and might be carried in regular and special appeal before two higher Tribunals.

7. The Civil Courts, moreover, in considering the question, are not bound by any of the instructions from the Government which influenced the proceedings in the Revenue Department. The highest Judicial Court has even declared (as mentioned in my letter to your address above quoted,) that they cannot make themselves acquainted with the tenor of those instructions unless they are formally brought before them by the parties.

8. Such a course of procedure is eminently calculated to produce doubt and uncertainty on those very points which it is important to set at rest for ever. Any person, who is conversant with the controversies which have been carried on for now almost a century regarding land tenures in India, must be aware that it is a subject which has been viewed in very different lights by many able and experienced men. Different persons may conscientiously entertain very different views on the contested points. It is most embarrassing to permit the points, which were authoritatively laid down for one class of Judicial Officers, to remain open to question by another class.

9. But the uncertainty necessarily resulting from this course of proceedings has been augmented by the absence of any rule to limit the period within which the summary award of the revenue authorities can be contested in a Civil Court. In the want of any special rule, it has been held that the general law of limitations was applicable to the case, and that a regular suit might be instituted any time within twelve years from the date of the first summary award. Hence the successful claimant in the Revenue Courts is kept for twelve years in suspense, before he can ascertain in what way the Civil Courts will view his claim.

10. This evil has long been felt; but an instance has lately occurred, which has forced it prominently into notice, and which proves the necessity for immediate legislative interference.

11. Twelve years ago Talookah Moorsaun in Zillah Ally-

ghur was settled by Mr. J. Thornton, under the directions of the Sudder Board of Revenue and of the Government. The principles on which proprietary rights were to be determined in such Talookahs had long engaged the attention of Government. It was determined to recognize the rights of the subordinate village proprietors wherever they had escaped destruction. Those rights were carefully investigated and in many cases recognized by Mr. Thornton, and his proceedings were approved and confirmed by the Revenue Commissioner, by the Sudder Board of Revenue, by the Local Government, and by the Hon'ble Court of Directors. Thus approved and confirmed, they have become the model on which all subsequent proceedings have been conducted, in Talookahs similarly constituted.

12. The decisions thus passed have remained unquestioned excepting in a few insignificant cases, till very lately. When the twelve years had nearly expired, or rather on a date when it may fairly be held that the twelve years had expired, the Talookdar brings no less than from fifty to sixty regular suits in the Civil Court to reverse the decisions passed by the Revenue authorities. Such a proceeding has a direct tendency not only to injure the property now brought under litigation, but to cast doubt on the title by which all other such land is held throughout the Provinces.

13. It may be impossible to afford any complete remedy to the evil above adverted to, consistently with the principles of the system on which all judicial proceedings are conducted; but it is possible to afford a palliative. When a question has been once judicially investigated and decided, it cannot be necessary or expedient to allow that question to remain open to further litigation for the period of twelve years. Section 6, Regulation VIII. 1831, has recognized the principle that in all such awards "in matters connected with arrears or exactions of rent," it is sufficient to allow the admission of a regular suit within one year from the time of the summary award.

14. The Law Commission, in Section 11 of their proposed Act for the limitation of suits, which was read in Council on March 21st, 1842, extended this limitation of one year to "all suits to alter or set aside summary decisions or orders of the ordinary Courts of Judicature."

15. The Act now submitted for the consideration of the Legislative Council only proposes to make general a rule, which has already been partially introduced by Section 6, Regulation VIII. 1831, and the equity of which has been recognized by the Law Commission.

16. The Lieutenant-Governor trusts that the draft Act will receive the favorable consideration of the Legislative Council.

I have the honor to be, &c.,

J. THORNTON,

Secretary to Government, N. W. P.

DRAFT OF PROPOSED ACT.

Whereas it is expedient to declare the limit within which a regular suit may be brought to contest the justice of a summary award passed by the revenue authorities under Regulation VII. 1822, Regulation IX. of 1833, or Section 3, Regulation IX. 1825, in the N. W. P.

I. It is hereby enacted that the admission of regular suits to contest the summary awards of Revenue Officers, empowered to make such awards under Regulation VII. 1822, Regulation IX. of 1833, and Section 3, Regulation IX. 1825, shall be restricted to the period of one year from the date of the original proceeding of the Officers making the award, whether any subsequent appeal may have been made against the decision to a superior authority in the Revenue Department or not.

II. As regards summary awards which have been passed before the date of this Regulation, the period of one year within which a regular suit may be brought to contest, such awards shall be calculated from the date of this Regulation. Provided that nothing in this Act shall be held to warrant the institution of a regular suit to contest a summary award, after the expiration of twelve years from the date of that award.

J. THORNTON,

Secretary to Government, N. W. P.

RIGHT OF PRE-EMPTION AND RECORD OF MUTATIONS.

No. 1326.

To W. Muir, Esquire,
Secretary, Sudder Board of Revenue, N. W. P.
Agra.

Dated Agra, the 4th April, 1848.

SIR,

REVENUE, No. 30. I am directed to acknowledge the receipt of your letter, No. 130, dated the 10th ultimo with its enclosures, regarding the right of pre-emption and record of mutations.

2. The Lieutenant-Governor concurs with the Junior Member that it is the proper province of the Collector to register mutations which have taken place, and not to decide whether they should take place.

3. It is apparently owing to the defective wording of the Board's Printed Circular Order, No. III., Section 8, that a different practice has prevailed. Section 209 of that Circular directs the Collector to "*disallow the application*" for mutation of names, if the transfer militate against the terms of Wajib-ool-Urz. Section 212 directs him "*to cause* the mutation *to be made*," if the transfer be in conformity with the terms of the Wajib-ool-Urz. In fact as the Junior Member justly supposes, the Collector has no power to disallow the mutation of names, if the transfer has actually taken place; nor to cause it to be made, if there is any obstacle to the transfer.

4. In practice, people effecting transfers apply to the Collector for mutation of names before the transfer is complete, as a device for ascertaining that no opposition will be raised to it. If no objection is raised to it, or if an objection is made only by a person unable to oppose the transfer, it takes place as a matter of course. If, on the other hand, the transfer is opposed by those who are in a position to resist it, the Collector should refuse mutation of names till (in the words of Section 41, Regulation XLII. 1803,) he "ascertains the truth of the transfer."

5. All that paras. 209 and 212 of the Board's Circular meant was that, when the Wajib-ool-Urz set forth the right of pre-emption, the objecting co-parceners were in a position to resist the transfer, and that the Collector was bound so far to respect their objection as to refuse to make the mutations till he was satisfied that the transfer had actually taken place.

6. The same is the state of the case with regard to those who are not Sudder Malgoozars, in the village register kept by the Putwarree. If the transfer takes effect, the mutation of names is made; but if the transfer is successfully resisted, no mutation of names takes place.

7. The careful observance of this course will not, however, as the Junior Member supposes, prevent the people from being driven to the cumbrous "process which they now adopt" of seeking to complete the transfer through the instrumentality of the Civil Courts.

8. In fact, the functions of the Collector and of the Civil Court in the transaction are perfectly distinct. The Civil Court is called in to effect that which the Collector cannot bring about or prevent, viz. the transfer of the property from the seller or the purchaser, notwithstanding the opposition of the co-parceners.

9. Another question may then be raised, whether the present practice of the Courts is equitable. According to that practice they assist the seller to transfer the property to the purchaser, notwithstanding the legal right of pre-emption possessed by the co-parceners; and they refuse to admit any co-parcener to plead his right in any stage of the process, either while the suit is pending, or after the suit has been decided, in bar of execution of the decree.

10. The Lieutenant-Governor has come to the conclusion that there is no sufficient ground for objecting to this course of procedure, and conceives that it cannot be altered, except by an express enactment. Such a law cannot, however, be proposed without the existence of a strong case of necessity. It must be shown that the present practice is inexpedient and unjust, and that no sufficient remedy exists.

11. Now, even supposing that the present practice involves a

hardship on the co-parceners, they evidently have their remedy in a Civil Suit, claiming their right of pre-emption, which, if instituted immediately after the decree founded on the confession of judgment, may be held to avail to delay execution whilst the suit to make good the right of pre-emption is pending. If this remedy is considered insufficient, the fault lies in the constitution of the Courts, which renders the necessity of resort to them a grievance, and not in the provision of the law, which holds them competent to redress all wrongs of this description.

12. The Lieutenant-Governor is disposed to think that the absence of suits to make good the right of pre-emption under the Wajib-ool-Urz affords some presumption that the hardships attendant on the present practice are not so great as the Collector of Goruckpore supposes. His Honor is reluctant to propose any alteration of the law in this respect, till he receives stronger proof than has yet been adduced of the necessity for such alteration.

13. With these remarks the Lieutenant-Governor leaves the question in the hands of the Board, and will be prepared to reconsider it on any future occasion, when they may feel disposed to bring it forward.

I have the honor to be, &c.

J. Thornton,

Secretary to Government, N. W. P.

SLAUGHTER OF KINE.

No. 1803.

To the Commissioner of the Meerut Division.

Dated Agra, the 5th May, 1848.

Sir,

Judicial. Criminal. I am desired to transmit to you for your information, the accompanying copy and abstract trans-

lation of a petition presented to the Lieutenant-Governor at Jowallahpore near Hurdwar in Saharunpore. The correspondence and proceedings noted in the margin,* connected with this case have been taken into consideration together with this petition.

* Orders of Government, Judicial Department, dated May 23rd, 1815.
From Superintendent Police to Magistrate of Saharunpore, dated June 7th, 1815.
From Superintendent Police to Magistrate of Saharunpore, dated October 28th, 1815, with enclosures.
Secretary to Government to Magistrate of Saharunpore, dated April 3rd, 1843.
Magistrate to Secretary to Government, dated April 4th and May 6th, 1843.
Secretary to Government to Commissioner, dated May 22nd, 1843.
Proceedings of the Magistrate of Saharunpore, dated August 3rd, 1843.
Proceedings of the Magistrate of Sessions Judge, dated November 29th, 1843.

2. It may be observed that the question here discussed is one which is reserved for the decision of the Government under Section 3, Regulation IX. 1831, and that it has come under consideration with reference to the terms of that enactment.

3. Hurdwar is esteemed a sacred spot by the Hindoos, and the slaughter of kine within its limits is highly offensive to the feelings of the Hindoos, is in itself unnecessary, and has long and very justly been prohibited. The Zemindaree right in the land belongs to the Government, and no objection ever has been or can be raised to the enforcement of the rule.

4. The climate of Hurdwar is insalubrious, and hence the Brahmins, who at particular seasons and in the daytime resort to Hurdwar for the performance of religious observances, ordinarily reside at the neighbouring towns of Kunkhul and Jowallahpore, both of which are about two or three miles from Hurdwar. The great majority reside at Jowallahpore, which is the property of a family of Raos, who became converts from Hindooism to Mahomedanism many generations back.

5. The slaughter of kine and sale of their flesh used to take place in Jowallahpore till 1843, when the Magistrate declared that place to be part of Hurdwar, and forbad the practice. The petitioners complained of this order as depriving them of their means of subsistence; and the Mahomedan proprietors of Jowallahpore are known to encourage them in their complaints, and to feel much the difficulties to which they have been subjected in procuring a usual and wholesome article of food.

6. Disputes of this kind regarding the slaughter of cattle

and sale of meat are very common, and require most cautious treatment. On the one hand the religious feelings of the Hindoos are much shocked by witnessing the slaughter of kine, or by seeing the flesh ostentatiously exposed for sale; whilst on the other hand the Mahomedans are entitled to the free enjoyment of an article of food, which in itself is unobjectionable and highly nutritious. The safe rule is to adhere to established usage, and to prohibit the ostentatious slaughter or sale in a manner unnecessarily offensive to feelings which are entitled to respect. Except in peculiarly sacred localities, such as Hurdwar, there can be no reason why in deference to the prejudices of one portion of the community, another portion should be debarred from a natural right.

7. The Magistrate of Saharunpore took this view of the subject in his letters of April 4th and May 6th, 1843, and his proposals met with the concurrence of the Right Hon'ble the Governor-General on May 22d of the same year. It does not appear on what grounds he altered his opinion on August 3rd, and positively prohibited the slaughter of kine in Jowallahpore. This order was upheld in appeal by the Sessions Judge on November 29th, and is very much to be regretted.

8. The slaughter of animals of all kinds and the exposure of meat for sale is generally offensive in a certain degree to all classes of the community, without reference to their religious feelings. This is especially the case in a hot climate, where animal matter rapidly decays. The regulation of these matters is therefore a question of conservancy, which the Magistrate must always take into his hands when he is called upon by the community to do so. The religious prejudice of a portion of the community regarding one sort of animal flesh increases the necessity for his interference, but it does not constitute by any means the sole ground; and in framing this regulation, it is prudent to put forward the former and generally recognized considerations, and to keep in the back ground the latter sectarian feelings.

9. All the cases connected with the question which ordinarily come under the cognizance of a Magistrate may thus be treated without prominent reference to religious feeling. Slaughter-

houses or abattoirs may be established in localities where no objection is made by the residents, and old established butchers' shops may be maintained, or even new ones may be opened, in places where the residents do not object. The passage of animals to the slaughter-house, or of meat to the shambles, must also be arranged decorously, so as not to give offence.

10. In like manner the ostentatious and offensive exposure or slaughter of animals by the butchers may be punished as offence against the conservancy rules, and acts of unwarranted hostility by the Hindoos against the butchers may be punished as trespasses and assaults. The slaughter of kine (Gao Kooshee) is not in itself a crime, nor is the mere fact of its occurrence sufficient excuse for violence. The open slaughter of kine however becomes criminal when it is effected in a manner that provokes a breach of the public peace, and violent resistance to such an outrage is palliated by the force of the feelings which suffer from the act.

11. It may be difficult now to retrace in Jowallahpore the false step which has been taken. The public and formal establishment of slaughter houses and opening of butcher's shops would doubtless be most offensive to the Hindoos, and would probably give rise to open resistance and riot. But it is unnecessary for the Magistrate to punish any one for the slaughter of cattle, when it has been effected with caution and secrecy, nor should he recognize the right of the Hindoos to resist the act, simply because it takes place in their vicinity. He should also protect the butchers from all persecution and violence. This course should be followed with much caution and strict impartiality. Public proclamations of one tenor or another are not necessary, and had better be avoided. By degrees, it may be hoped that a better understanding of the question will arise, and that a compromise may be effected by which an unobjectionable arrangement may be made. You will understand that those clauses in the proceedings of the Magistrate, dated August 3rd, 1843, and of the Sessions Judge, dated November 29th, 1843, which altogether prohibit the slaughter of kine in Jowallahpore, are to be considered reversed.

12. It is said that similar difficulties are experienced in other

parts of the district than Jowallahpore, where no rule has yet been established. In all such cases it is most desirable that the principles laid down in this letter be observed. If the final arrangement is likely in any case to be facilitated by the erection of an abattoir, a moderate charge on this account will be sanctioned, either from the municipal funds of the place or from the general resources of the State.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

MEASURES ADOPTED FOR TRAVELLING ON THE GRAND TRUNK ROAD.

No. 1695.

Notification.

Judicial Department, N. W. P.

Criminal.

Agra, the 28th April, 1848.

1. The arrangements for the supply of provisions, and for the protection of travellers, along the Grand Trunk Road have lately engaged much of the attention of the Government. Reports and suggestions on the subject have been called for from the Local Officers; and Major Steel, after marching along the whole course of the road, has furnished his remarks for the considerations of the Lieutenant Governor. The most important of the results are embodied in this notification and published for general information, in order that travellers in general may be apprised of the measures which are in progress for their accommodation and protection.

2. All enquiries show that there is a great and increasing traffic along the Grand Trunk Road. This traffic may become the source of great profit to the Zemindars and residents along the road, if effectual measures are taken in every district to protect the people from oppression on the part of Civil and Military Servants of the Government, and other travellers, who may pass along its course. It is also necessary to make ade-

quate arrangements for the supply of the necessary wants of travellers, and to protect them and their property from injury on the road.

3. The following measures will be found conducive to these ends.

4. Encamping-grounds.—These have been generally marked out along the road, but there is much reason to believe, that it will be found preferable to have the two encamping grounds, each of the prescribed size of 400 yards square, on the same side of the village instead of on opposite sides. The two encamping grounds should be adjoining to each other, so that all the arrangements for the supply of troops and travellers may be collected on the spot and permanently stored there. If this can be now effected without great inconvenience, it should be done, and the orders of March 25th, 1847, should be held so far modified.

5. Supply of Provisions.—The orders of January 21st, 1833, must be carried out for ensuring the sale of Burdasht articles on the spot. The erection of Burdasht Khannas on the ground, or on its immediate vicinity, has been found very effective. These buildings consist of an enclosure where wood, charcoal, earthen-ware vessels, and other similar articles can be stored, with a few Bunneeahs' shops attached outside. The cost of each Burdasht Khanna is calculated at 200 rupees.

6. There is every reason to believe that contractors can be found who will undertake at all such places to sell the articles in most common demand. The following advances should be given on good security.

Buneeah,	Rs.	200
Firewood and Bhoosa,	„	150
Milkman,	„	40
Fowls and eggs,	„	25
Kurbee,	„	35
Grass and straw,	„	20
Hulwaye,	„	10
Shepherd,	„	25
Oilman,	„	25
Coomar for pots,	„	10

Chowdree for supplying bearers, coolies, and carriage, to a fixed moderate amount, ...	,,	50	
Chebenee,................................	,,	25	
			665

7. The Contractors should be prohibited from having any intercourse with the police, as regards the collection and sale of their articles. They should have ware-house room, and shops rent-free, in the Burdasht Khannas; but they are to have no privileges nor monopoly. They should be bound under sufficient penalty to furnish all applicants at the current market price of the day. Detachments of Troops or parties of travellers may be supplied retail, but whenever regimental or other Bazars are attached to a Camp, the supply should be wholesale to the persons appointed to receive them. The wood should be made up in parcels each of the value of one pice, a specified number of which are to go to the maund. These should be sold wholesale or retail as may be required. The absolute prohibition against the demand of any articles, either gratis or at less than market-price, is applicable to all Government servants as well as to Sepoys. Police or Revenue Officers are especially bound to pay fairly for what they may require.

8. The Contractors should be furnished by the Collectors with certificates in English and Oordoo, setting forth the obligations under which they lie, and the protection to which they are entitled. The price of all articles of fixed value must be specified in their certificate. They must be bound to supply on requisition a price-current of all articles of fluctuating value. This price-current must always be presented to the commanding Officer of a Regiment, on his arrival, in duplicate. He should countersign one and send it to the Collector for his information.

9. The Revenue Officer who is placed in charge of these arrangements is bound to see that the above provisions are complied with. It is also his duty to bring instantly to the notice of the commanding Officer of a Regiment complaints that may be made by the Contraetors of any injury they have received from Sepoys or Camp followers. These representations may be made either verbally or in writing, and information should be sent of them to the Collector.

10. A Collector or Magistrate, on receiving a well-supported complaint against an Officer of the army, or detachment of Troops, should immediately send information of it to the General Officer commanding the Division towards which the party complained against is moving. He should at the same time furnish the Commissioner of the Division with a copy of his representation.

11. SERAIS.—There is every reason to believe that the Zemindars and Bhutteearahs, and other individuals, will with proper encouragement erect Serais or other places of accommodation for travellers at their own cost, either with a view to profit, or as a meritorious charitable act. It is on every account desirable that such efforts should be promoted to the utmost. Buildings of this description are on many accounts preferable to Government Serais. The police should be strictly prohibited from interfering in such matters, so as unduly to favour any party, or to derive to themselves a profit from the undertakings. Their watch should be kept outside the buildings, and they should never enter them in their official capacity, unless to repress evident breaches of the peace, or otherwise in the regular execution of their duty. They must be strictly prohibited from levying any dues from travellers who may alight at Serais, or from compelling them to resort to particular places. Bhutteearahs must be protected in the fair exercise of their calling, and measures must be taken to enforce the same payments to them from Government Officers as are demanded from other individuals. If no private individual will erect a suitable Serai, it may be expedient to build one at the Government expence; but in that case the police must not be allowed to use any undue measures for promoting resort to the Government Serai.

12. POLICE.—The preferable form for Murhillahs is that of a building slightly raised above the ground and close on the road, consisting of two rooms and a verandah in front. The Murhillahs should be built at the distance of two miles the one from the other. Each Murhillah should contain a Burkundaz and two Chowkeedars, who should always be present at night, and each Chowkeedar should have charge of a mile's length of road immediately contiguous to the Murhillah on either side. A

Murhillah of this description may be constructed for about fifty rupees.

13. Chowkees of larger dimensions and with accommodation for a Jemadar, two Sowars, and several Burkundauzes, consisting of six rooms and stabling for two horses, should be erected at convenient posts.

14. The Tuhseeldarees and Thannahs should be brought as much on the Grand Trunk Road as may be consistent with other public objects.

15. It will be the duty of the Chowkeedars and of the Burkundauzes to afford protection to all travellers with merchandize or goods who may stay for the night at Puraos or other established halting-places in their vicinity; but they must be strictly prohibited from compelling travellers to stop at any particular place, nor must they be allowed to make any charge for the protection they afford. Travellers, who require separate Chowkeedars for the protection of their baggage or tents at the established encamping grounds, will be furnished with them at a settled price by the Officer of the Collector's establishment who is stationed on the spot. For such Chowkeedars, the established fee must be always paid.

16. The Tuhseeldars along the road will generally be invested with the powers of Deputy Magistrates. In that capacity, it will be their duty to see that all provisions are punctually paid for, and that all coolies and hired Chowkeedars receive their proper wages. In the event of any complaints being preferred to them of non-payment, or ill-treatment on the part of troops or travellers, they will immediately bring the circumstance to the notice of the party against whom the complaint is lodged, either verbally or in writing; and if the matter is not promptly and satisfactorily settled, they will take evidence to the facts, and will either dispose of the case themselves or send a representation of it with their opinion to the Collector or the Magistrate as may be necessary.

17. They will further exert themselves to prevent all exactions on the part of the Chowkeedars or Burkundauzes, or other Officers of Government, on the road, whether directed against residents in the vicinity, traders or shopmen located on the road, or travellers passing along it. They will bring to the notice of

the Collector or Magistrate all instances of misconduct of this nature, with their recommendation as to the proper notice to be taken of the offence.

18. On the occurrence of any crimes upon the road, especially where travellers are concerned, it will be the duty of the Deputy Magistrates to enter upon the case directly, so that the parties may suffer no unnecessary detention. If the case be within their competency, they will dispose of it at once; otherwise they will send the criminal with the proceedings to the Magistrate for his final orders, and will suffer all others who are concerned in the case, and may be no further required, to pass on.

19. The Magistrate will pay particular attention to the character of the Police Officers who may be stationed along the road, and he will suitably encourage the deserving. In like manner, the Collector will keep a vigilant watch over the Officers of his establishment who may be entrusted with the superintendence of supplies at the several encamping grounds. He will be careful that the supervision of the arrangements at each halting-place is entrusted to one competent individual, and that this person be furnished with written authority to act and with definite instructions both in English and Oordoo.

20. The Collector and Magistrate himself, or one of his best qualified Assistants, will make it a point to visit the halting grounds, and the Chowkies, Serais, and other public buildings along the road, as often as may be practicable; and during the cold weather, some responsible Officer should, if possible, be charged with the duty of moving along the road, and seeing that existing rules are observed.

21. The preceding directions will indicate the nature of the arrangements, which it is considered desirable to make, though some time may elapse before all can be completed, and perhaps particular causes may prevent their universal adoption. It is intended that, in the course of the approaching cold weather, Major Steel shall again pass along the road, and ascertain how much has been done, and how much more may be effected towards the accomplishment of the desired objects.

By order of the Hon'ble the Lieutenant-Governor, N. W. P.

J. THORNTON,
Secretary to Government, N. W. P.

LIMIT FOR CONTESTING SUMMARY AWARDS.

No. 3010.

To the Secretary Government of India,
Legislative Department,
Fort William.

Dated, Agra, the 26th May, 1848.

SIR,

JUDICIAL DEPARTMENT. I am desired to acknowledge the receipt of your letter, dated the 6th instant, forwarding a revised draft for defining the limit within which a regular suit may be brought to contest the summary awards of the Revenue Authorities. It is proposed to substitute this revised draft for that which was read in Council for the first time on October 9th, 1847.

2. The revised Act differs entirely in wording from that formerly proposed, but is in substance the same, except that it fixes the limit at three years instead of one year. The Lieutenant-Governor readily avails himself of the permission granted in para. 2 of your letter, to offer some observations on this proposed change.

3. In para. 13 of my letter of March 30th, 1847, are contained the general considerations which induced the Lieutenant-Governor to assume the period of one year as the preferable limit. The Legislative Council appeared to approve of the proposal, and by publishing the Draft Act, gave it their sanction. Since then, the Sudder Board of Revenue and the Sudder Dewanny Adawlut have intimated their approval of the Act, as has been already reported in my letter of December 14th, last. The terms in which the Court's approbation was expressed are so strong that the Lieutenant-Governor begs to draw particular attention to them.

Extract of letter from Register, Sudder Dewanny Adawlut, N. W. P. dated 25th November, 1847, No. 1565.

Para. 2. "The Court highly approve of the proposed enactment, being of opinion that every measure which is calculated to give finality to the settlement proceedings will in all probability, if not certainly, contribute to the stability of property and enhance its value. The provisions of the proposed law do not seem to the Court to require either alteration or addition."

3 I

4. The reasons which have now induced a preference of the term of three years to that of one, which was formerly approved, have not been stated, so that some difficulty necessarily exists in fully discussing this point. In assuming the period of one year the Lieutenant-Governor was guided by the principle already assumed in Section 6, Regulation VIII. 1831, as regards suits for arrears of rent.

5. The Law Commission in their report of February 26th, 1842, have not adverted to this peculiar class of cases, but they have discussed the very analogous one of regular suits to contest the summary awards of Civil Courts, and in that instance they have proposed the limit of one year. It would be difficult to find stronger terms in support of the present proposal than those which are there used. "This appears to be expedient in order that the suspense of the party in whose favor the Court's summary awards has been given may be early terminated, and that he may be either assured in the possession which he holds under that award, or warned to defend it against a definite claim."

V. p. 5 of printed report.

6. The reason for granting so long a period of delay as one year is to guard against unforeseen consequences of the order, or collusive efforts to injure parties who are not ostensibly before the Court. In both these respects it may fairly be held that "the summary decisions of the Civil Court on claims arising incidentally in the execution of process for the satisfaction of decrees," are more liable to error than the summary awards of Collectors under Regulation VII. 1822. Collusive suits in the Civil Courts for the indirect attainment of secret ends are notoriously common. The Courts of the Revenue Authorities cannot be so used, because the mode of their proceeding is different, and because there is no obligation resting upon them to entertain every suit that may be brought before them for decision.

7. The peculiar functions assigned to the Collectors by Regulation VII. 1822 are most needed for the purposes specified in Section 14, Regulation VII. of 1822, "to declare the nature and extent of the interests actually enjoyed by each person occupying the soil." There are many persons possessed of some

rights or other in a particular estate. These rights may be real or only apparent, they may be heritable and transferable or they may not be so, they may be larger or smaller in extent, or they may or may not incidentally carry with them other important rights, which do not at first sight attach to them. It becomes of the greatest importance to the welfare of the community that all these questions should be determined as distinctly as possible, and when once determined that they should never again be agitated. The process of the Civil Courts is not adapted for the primary investigation of these questions. The Revenue Authorities are able, at once and completely, to put an end to all such disputes. But, as the law now stands, the question will remain open, and liable to be contested in the Civil Courts for the period of twelve years after the award in the Revenue Court. Those, who are acquainted with the unprincipled proceedings adopted by natives of this country to effect their purposes, must know how this long period will afford an opening for intrigue and villainy of all sorts. Witnesses can be bought over, documents can be falsified, essential papers can be abstracted from the records, advantage can be taken of the presence of some careless, or ignorant, or prejudiced judicial Officer, or of the influence of some corrupt underling. It would be difficult to invent a more ingenious device for promoting litigation, and for placing all the rights of the honest and industrious at the mercy of the crafty and designing. It will certainly be an improvement to reduce the period to three years, but it will be still better to reduce it to one year.

8. When the Legislature have once sanctioned the limitation of one year, and have found that proposal to meet with the approval of those who were in a position to judge of its probable local effects, the subsequent alteration of the period to three years without very strong assigned reasons, cannot but be held to argue distrust and suspicion. The present period of twelve years is incidental, and has no special reference to the case. But the peculiarity of these cases has now been publicly recognized, and the extension of the period from one year to three cannot but induce an opinion that it is considered undesirable to close too rapidly the means of redress from tribunals which

are thought to be peculiarly liable to error. A suitor must appeal to the Judge from the decision of a Moonsiff within thirty days,* but a party who is dissatisfied with an award of the Sudder Board of Revenue will be left at liberty to bring the case in review before the Moonsiff, not for one year, but for three.

9. The Lieutenant-Governor will be glad if the arguments he has stated are found of sufficient avail to cause the original proposed Act to be passed as it was first read on October 9th, 1847. The form of the revised Act may be simpler, and in some respects preferable, but if a further period of some months is to be interposed between its publication and ultimate adoption, such a delay cannot but be deprecated.

10. In your letter under acknowledgment, advertence is also had to the proposition contained in my letters of March 11th and April 18th last, for the appointment of a Superintendent and Remembrancer of legal affairs.

11. So far as the rejection of that proposal rests on financial considerations, there is no room of course for further observations. The Right Hon'ble the Governor-General in Council is the only and fitting judge in that respect. But paras. 4—6 of your letter imply other objections, and with reference to them it may only be remarked that in this respect the Lieutenant-Governor is only proceeding in perfect concert with the Civil Courts. As regards the Talookdaree suits which happen to have been particularly mentioned, all that is contended for will be found contained in a Circular Order of the Sudder Dewanny Adawlut, No. 189, dated January 31st, 1845, copy of which is annexed. The only difficulty consists in bringing each case to a hearing with reference to the principles which are so well laid down in that Circular. The Court in their correspondence with the Government, which is already before His Lordship in Council, have represented themselves to be precluded from trying the case otherwise than as it is brought before them, and have recognized the obligation on the Government to provide that the case should be fairly placed before them on its merits. Such a proceeding is quite compatible with the most perfect independence of judgment on the

NOTE.—See especially the last para. of their letter of June 7th, 1847, forwarded with my letter of July 7th, 1847.

Extract para. 5, *of a letter from the Register to the Sudder Dewanny Adawlut, N. W. P. to the Secretary to Government, N. W. P., dated the 7th June,* 1847, *No.* 805.

Para. 5. "The Court at large are however agreed, that whatever construction be put upon the law, the orders conveyed in your letter, No. 4956, dated 18th November last, to the Sudder Board of Revenue are sufficient to counteract the evils which might have been expected to result from the imperfect manner in which the "Proceedings" of the Revenue Authorities on the "Summary Enquiries" in question were wont to be recorded; the injunction in para. 10 of your letter, if properly observed, will secure the supply of any deficiencies observable in the records of cases already disposed of, and the proceedings in future cases will, if prepared according to the rules set forth in the 9th para., contain all that bears on the question at issue, and therefore all that is necessary for the Courts to know."

part of the Courts. Daily experience shows that, without some such provision, great failure of justice is likely to take place. It does not indeed appear how the Government can be fairly discharged of the duty in the later stages of these proceedings before the regular Courts, when, in the earlier stages before the Revenue Authorities, it has exercised an active superintendence, and laid down all the principles which regulate the decision.

12. His Lordship in Council estimates highly "the value of watching the course of the judicial administration, and the effects produced by the decisions of the Courts of justice on the stability of landed property." To these very important objects the Lieutenant-Governor's constant attention will still continue to be directed as it long has been, and he trusts that the improved financial condition which must result from successful efforts to improve the titles to landed property, and to raise its value, will before long enable the Supreme Government to place at his disposal that agency which is essentially necessary to the adequate discharge of this important trust.

I have the honor to be, &c,

C. ALLEN,

Officiating Secretary to Government, N. W. P.

SETTLEMENT OF RESUMED MAAFEES IN ROHILCUND.

No. 336.

To William Muir, Esquire,
Secretary to the Sudder Board of Revenue, N. W. P. Agra.
Dated, Agra, the 29th January, 1848.

SIR,

REVENUE DEPARTMENT, No. 196.

In continuation of my letter, dated 6th Dec. 1847, No. 4763, I am now desired to forward to the Board, a memorandum regarding the settlement of the resumed Maafees in the Rohilcund division.

2. The necessity for some orders in this respect has been long known to the Board. It was brought particularly under the Lieutenant-Governor's notice at Shahjehanpoor, but as it was understood that the same question would come under consideration in the other districts, final orders on the subject were for the time delayed.

3. The course of proceeding indicated in the memorandum will be most required in the districts of Budaon, Shahjehanpoor and Barreilly, less so in Moradabad, and least of all in Bijnour. It is desirable however that a copy of the memorandum be furnished to all the local Officers.

4. The principles here laid down are to be observed in the settlement of all resumed Maafees which have not yet been reported to the Government.

5. It is with much reluctance that the Lieutenant-Governor finds it necessary to re-open a class of cases which have caused much irritation and have been attended with individual hardship, but it is necessary to take prompt and decided measures in order to confer a good title on the numerous properties which fall within this category. The Lieutenant-Governor relies on the discretion of the local Officers to conduct their proceedings with caution, and so as to cause as little inconvenience as possible to the numerous parties who are interested. No more cases should be taken on the file than can be disposed of at once, and the whole should be decided and reported with the least practicable delay.

6. A copy of this letter and memorandum will be furnished direct to the Commissioner.

I have the honor to be, &c.

J. Thornton,

Secretary to the Government, N. W. P.

RESUMED MAAFEES.

1. No. fixed rule has been observed in the settlement of resumed Maafee lands. Great uncertainty attaches to the tenure on which such lands are held. Proceedings under Regulations VII. 1822 and IX. 1833, would remove this uncertainty without compelling the claimants to have recourse to the Civil Courts. The rule in all such proceedings which may now be held is that the Officer conducting them should explain what is doubtful, and supply what is defective, but that he is incompetent to correct what is erroneous, provided the errors have taken effect, and be not simply mistakes in record.

2. In applying this rule to the existing state of things regarding resumed Maafees, it will be well to mention first the course which ought to have been followed, then the supposed actual state of the case, and lastly the remedy which should be applied on this supposition.

3. Whole villages should have been settled with the persons who were possessed of the proprietary right. (V. Directions for Settlement Officers, paras. 77, 81).

4. If those persons were the Maafeedars, the settlement should have been a light one, (it is immaterial whether half jumma or half assets). The estate would descend to the Maafeedars' heirs, and the assessment would not be liable to alteration during the term of settlement.

5. If those persons were not the Maafeedars, the Maafeedars should in cases of destitution have had a pension not exceeding half the jumma, for the lives of the ousted individuals, but with no expectation of its renewal to heirs.

6. The Government are able under Section 5, Regulation XIII. 1825, to confer a proprietary title on Maafeedars, who

may not be in possession of the proprietary right, on a special report made in each case. But this has not usually been done, nor is it desirable to do so, wherever the right of the real proprietors is clear and strong, as for instance in the case where the proprietors are a cultivating body, resident on the estate or in its immediate neighbourhood, who are in possession of the proprietary dues (Hukkook Zemindaree), and still hold a sub-lease of the Mouzah, or did usually do so up to the time of resumption and settlement with the Maafeedars.

7. It is understood that in some cases the settlement has been made with the Maafeedars without any investigation or declaration of their right, and without specification of the period to which the settlement should extend, or of the manner in which it should descend on the death of the present incumbents.

8. In other cases the settlement of resumed Maafee villages has been made with Maafeedars expressly for their lives, open on their demise to re-adjustment of the jumma, and determination of the proprietary right.

9. The proper course in cases of the above nature is now to investigate the proprietary right in each instance.

10. If the Maafeedar be found clearly possessed of the proprietary right, he should be declared proprietor, and a Zemindarree settlement concluded with him, the assessment already fixed being maintained till the termination of the period of lease.

11. If it be found that the Maafeedars, or their lessees who are not the proprietors, have usually managed the estate, and made the collections Kham, but that there exist in others than the Maafeedars indications of proprietary right which may be preserved and maintained under the provisions of Section 2, Regulation XIII. 1825, the Maafeedars should be declared Zemindars, and the existing privileges of the original proprietors maintained.

12. If other than the Maafeedars are possessed of a strong and undoubted proprietary title, and no decision on this point has been made at the time of settlement, then the Maafeedars may be declared farmers for their lives, and an equitable jumma may be fixed which shall have effect on their demise, when the proprietors will take possession. The right of the Maafeedars

will not be heritable or transferable by order of Civil Court or otherwise. The proprietors will be retained in possession of their present privileges under Section 2, Regulation XIII. 1825, and their reversionary title will be heritable and transferable in the same way as any other property.

13. If the settlement has been clearly made with the Maafeedars and their heirs as proprietors, although the proprietary right rests in others, this must be allowed to stand; but a record should be formed of all the rights and privileges retained by the proprietors.

14. Lists should be formed of all Maafeedars retained in permanent or temporary possession under the foregoing provisions, and should be sent to Government for confirmation in conformity with Section 5, Regulation XIII. 1825, a brief note being given of the ground of recommendation in each case.

15. If Maafeedars be found to possess only a life-tenure in property, which has already been transferred, no exception need be taken to the transfer. The transferee will stand in the place of the Maafeedar, and, on the death of the Maafeedar, the proprietor will enter on possession, and will be entitled to engage.

16. Resumed Maafee grants, being less than an entire village, should have been thus disposed of.

17. If the Maafeedar was himself proprietor of the Khalisah portion, a light jumma should have been imposed on the Maafee portion, and the whole made one Khalisah Mehal, without any separate allotment of jumma on the several portions.

18. Where the Maafeedar was not the proprietor of the Khalisah portion, a light jumma should have been fixed on that portion of which he was in occupation himself, or by persons occupying and cultivating on his behalf, and not in virtue of any proprietary right they possessed in the soil. He should have been offered this to hold as a heritable transferable tenure, of the nature explained in para. 118 of Directions for Settlement Officers. The jumma thus fixed, minus 10 per cent. for expences, should have been added to the jumma of the Mouzah, and should have been made payable by the Malgoozar, or in case of his recusance should have been formed into a separate Mehal,

without such deduction. If the Maafeedars had refused to engage on those terms, the whole resumed land should have been settled on the usual terms with the Malgoozar of the Khalisah portion, and half the jumma should have been given to the Maafeedar for his life time as a pension, in cases of destitution.

19. But if the proprietors held and cultivated the Maafee land themselves, or by their Assamees, the right of the Maafeedar being as it were supervenient, and they paying to him only what they would naturally have paid to the Government, then the resumption of the Maafee should have terminated the right of the Maafeedar. The land should have been assessed as usual, and settled with the proprietor of the Khalisah land, and a life-pension allowed for the Maafeedar.

20. There will probably be found little difficulty in bringing past proceedings to this form.

21. In the cases contemplated in para. 18, if the settlement were indefinitely with the Maafeedar for his life without reservation of 10 per cent. for the proprietor of the Khalisah land, he may be declared to retain the same right during his life, and his heirs and successors will have the subordinate tenure on the same jumma till the end of the lease, on condition of their paying 10 per cent. more to the proprietor.

22. Where the case is of the nature contemplated in para. 19, and the settlement has been nevertheless made with the Maafeedar, the Maafeedar will have a life-tenure untransferable; and on his demise, the land will be incorporated with the Khalisah at a fair jumma which may now be determined.

23. Judicial powers will be given to the Revenue Officers, under Regulation VII. 1822 and IX. 1833, to determine these cases.

24. The occasion of such enquiry should be taken to ascertain and define all rights attaching to the admitted proprietors or their tenants, and to form if necessary a new village map and record at the expence of the party on whom the right is conferred.

ESTABLISHMENT OF A MILITARY BOARD IN THE NORTH WESTERN PROVINCES.

No. 569, A.

To H. M. Elliot, Esquire,
Secretary to the Government of India,
With the Governor-General.

Dated, Head Quarters, the 10th September, 1847.

Sir,

Judicial Department, No. 71. In my letter of June 7th last,* the Lieutenant-Governor laid before the Right Hon'ble the Governor-General, his sentiments regarding the organization of a new machinery for the execution and superintendence of Civil buildings, roads, and canals in the North Western Provinces. His Honor did not then find himself in a position to do more than indicate generally the mode in which it might be effected. He had not that minute acquaintance with the details of the present system, which enabled him to fill up the particulars of a new organization. He has since enjoyed the opportunity of personal conference with Lieutenant-Colonel F. Abbott, C. B. of the Engineers, and desires me to request that you will lay before the Right Hon'ble the Governor-General, the sentiments of that Officer embodied in the accompanying brief memo.

2. No person was better fitted to render this service than Colonel Abbott. Though only partially in subordination to the Local Government in these provinces, he has ever been ready to offer the invaluable aid of his advice on all professional subjects on which he was consulted. No one better knows the peculiar wants of this Government and the necessity for that scientific aid, the precise mode of supplying which he has now indicated. In addition to this previous knowledge, it will be observed from the opening paras. of the memo. that Colonel Abbott at the desire of his Lordship has had the advantage of perusing all that has already been placed on record in your department on this subject.

3. It will be observed that Colonel Abbott purposes to vest the superintendence of civil buildings, &c. in these provinces in

* See above page 269.

a Superintendant or Director, who shall have a seat in the Sudder Board of Revenue, with a consolidated salary of 2,000 rupees per mensem, and be aided by a Secretary on 1,200 rupees per mensem. He also proposes an entirely separate agency of Local Executive Engineers for Civil works, one in each revenue division. The new local agency requires ten Officers in the place of seven, and involves an increased expence of 18,000 rupees per annum, but this increase is supplied from local funds without causing any new charge upon the revenues of the State. Colonel Abbott has also explained the system of accounts he would recommend, and the checks he would impose on expenditure.

4. In all these points the Lieutenant-Governor concurs, and will feel much gratified if, by an early resolution of the Supreme Government, he is soon enabled to enter upon the improved course of proceeding which will thus be opened to him. A few remarks only are necessary on the financial aspect of the question.

5. It is not to be denied that the proposed new superintendence will cause additional expence. The Superintendent and Secretary alone will draw 3,200 per mensem or 38,400 per annum, and something (perhaps 500 per mensem, or 6,000 per annum) will be requisite for establishment. It is impossible to say if any, or what, reductions can be made in the Military Board's Office to meet this increase; but the labours of the Superintending Engineers will be also considerably lightened, and the necessity probably obviated for the maintenance of a new superintendency in the Punjaub, which is understood to be on the eve of formation.

6. Some fuller explanation is necessary regarding the agency which is proposed for the performance of the local duties.

7. There are in these provinces large Local Funds, for the construction of roads, bridges, &c. under the name of the one per cent. and Ferry Funds. The former is one per cent. on the land revenue, which, under the contract entered into with the proprietors of land at the time of the last settlement, is contributed by them in commutation of the personal service which they are bound to render by the established custom of the

country. The Ferry Fund consists of the income raised from the Ferries across rivers, and is appropriated by law to the improvement of the means of internal communication.

8. The Government is bound to disburse punctually and faithfully the large sums which are thus raised. To bestow them wastefully or injudiciously is to betray the public trust, and to refrain from expending them, is to defraud the present contributors of the benefit which they are entitled to receive in return for their payments.

9. By a resolution of Government, dated 10th February, 1841, Local Committees have been formed in the several districts to superintend these disbursements. The Magistrate and Executive Engineer are ex-officio members of these Committees, and the Commissioners and Superintending Engineers exercise a general controlling and directing power. Very much good is effected by this agency. The funds are always faithfully and honestly disbursed, and often difficult and important works are constructed at little cost, by the voluntary efforts of men of all classes, whose only reward is found in the satisfaction attendant on public-spirited and meritorious conduct. But it stands to reason that efforts thus irregularly put forward by insulated Committees are often mis-directed and ill-combined. Good undertakings sometimes fail from unskilfulness of execution, and excellent designs are often nipped in the bud from want of power to give effect to them. Daily experience shows that much more might be done, and in a much better way, if the whole operations could be placed under the superintendence and direction of one vigorous and competent authority. Such an authority the Sudder Board of Revenue on its new construction would certainly be. It would have power over the sources of income, and over all the agents for disbursing the income, and would be well able to afford them the directions which are now so much wanted.

10. The general amount of these sources of income may be thus stated.

Division.	1 per cent. Fund.	Surplus Ferry Fund.	Total.	
Delhi, ...	32,845	14,233	47,078	NOTE.—The 1 per cent. fund is calculated on the demand for 1846-47, but as it only partially prevails in the Benares Division, the entry is in a measure conjectural. The Ferry Funds are assumed at the actual allotted surplus of 1845-46.
Meerut, ...	69,089	15,625	84,714	
Rohilcund, ...	63,690	11,445	75,135	
Agra, ...	73,308	15,122	88,430	
Allahabad, ...	84,684	24,393	1,09,077	
Benares, ...	40,000	47,267	47,267	
Total, ...	3,63,616	1,28,085	4,91,701	

It would not be unfair to add to this large amount, the value of the labour of 10,000 prisoners, which, if estimated at one anna a day, for only twenty days in each month would give a total of Rs. 1,50,000 per annum. We might also add about 10,000 Rs. per annum on account of other petty funds, such as Nuzzool funds, surplus chowkeedaree collections, &c. All these sources of income give a total in round numbers of Rs. 6,50,000 annually applicable to the public service, the better administration of which would be materially aided by the adoption of the proposed measure.

11. No objection can be made to debiting these funds with the extra charge of Rs. 18,000 per annum, which would be entailed by the appointment of Executive Officers exclusively for Civil works. Each division would be charged with the excess occasioned by the new appointments, and the sums thus charged would be deducted from the Current Ferry Funds, previous to the allotment of the gross collections, which is annually made by the Accountant.

12. The Lieutenant-Governor does not consider it necessary to recapitulate the arguments by which in my former letter of June 7th, he supported the proposal to place the Canals and Grand Trunk Road under the Superintendent, and to provide for the supervision of other works in Rohilcund, in Ajmere, in Nemaur, and in various other parts of the country, which are now wholly without scientific control or advice.

13. It is quite immaterial whether or not the Ganges Canal

remain under the Military Board. It might be left to the gentlemen of the Board themselves to determine whether they are willing to continue a superintendence which is merely nominal, and can extend no further than the mere examination and checking of accounts. The Director of that work is the Officer with whom must rest the responsibility, as well as the credit, which will attach to its execution. To divide the one would be as injurious, as to detract from the other would be unjust.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

Memorandum on the proposed separation of Civil and Military works of construction.

Simlah, 20th August, 1847.

1. It is admitted by many authorities that the Military Board are overwhelmed with duties. The Military Board assent to this position. The most expedient mode of relieving this pressure is sought.

2. The President, the Members of Council, the Lieutenant-Governor, concur in deeming it expedient and necessary to withdraw the supervision of Civil works from the hands of the Military Board. The Military Board think that an extra establishment of clerks would enable them efficiently to perform their present varied duties; yet they allow that, on the whole, the proposed separation of Civil works would be attended with advantages.

3. To effect this separation, several modes are proposed.

4. The Lieutenant-Governor proposes to appoint a superintendent of Civil works, N. W. P. at Agra, to be a sort of Superintending Engineer and Military Board in one person. The accounts being audited by the Accountant and Civil Auditor.

5. The Bengal Government propose two schemes, viz.

1.—A superintendent of Civil works for Bengal and for Agra independent of the Military Board, and to have an Assistant at the seat of Government for managing the Office.

2.—To establish in Calcutta a second Board for Civil works with a branch Board at Agra.

6. The Military Board recommend a complicated machinery of Directors, Inspectors, &c. for each Government.

7. The following would in my opinion, be the most complete system.

8. A Superintendent or "Director" of Civil works for Bengal and for Agra. To be ex-officio a member of the Sudder Board of Revenue. His duties to be those of general and personal supervision. To be essentially locomotive—salary, rupees 2,000 per mensem, consolidated. His travelling allowances to be paid by the State on the scale applicable to the Members of the Board of Revenue. This Officer being in direct communication with Government, it may be needless to describe the limits of his powers. He will be the adviser of Government, and carry out their immediate orders.

9. An Assistant to the Director. To be Secretary to the Board of Revenue in the department of public works. To be always resident at the seat of Government or of the Board, for the purpose of carrying on all the correspondence—and managing the Office—salary rupees 1,200 per mensem consolidated.

10. Estimates to be approved and bills to be audited by the Board of Revenue on the recommendation of the Director.

11. Executive Engineers. A total separation of Civil and Military Executives is advocated by some authorities, and it would render the system more complete. Still, as financial considerations might prevent the adoption of the most perfect system, I annex a mixed scheme which would, I think, be found to work satisfactorily.

12. When a separate Officer is employed—the salary should be rupees 600 per mensem, exclusive of Office establishment which should be charged in current bills.

13. It may sometimes be expedient to divide the duties of a large division between two Officers. In such case, the salary

of each Officer should be rupees 300 per mensem exclusive of Office, as before.

14. Works undertaken on the proceeds of Road and Ferry Funds should be supervised by the Director and Executive Officers, i. e. these Officers should provide plans, and should occasionally inspect the works in progress. But in many instances the accounts may be efficiently managed by the Local Committees.

15. All proper checks should be provided. No new work should be undertaken without the sanction of Government. For works exceeding rupees 500, detailed plans and estimates should be submitted.

16. Accounts should be kept very much in the present form of those in the D. P. W., viz. a "Day-book" should include a detail of each day's work and expenditure;—a "Cash Abstract book" should exhibit the daily account of expenditure upon each work;—a "Cash book" should exhibit every item of receipt and disbursement of cash;—a "Stock book" should exhibit the receipt and issue of stock.

17. Bills should be submitted for each separate work of ordinary magnitude. These documents should be framed in accordance with the form now in use in the D. P. W., and should be accompanied by a certificate under the Director's hand as to the quality and sufficiency of the work. When differences of opinion arise, a Committee may be referred to.

18. Quarterly reports of works in hand should be submitted to the Directors. These documents should be of a simple and concise form.

19. Half yearly accounts current should be submitted for audit and adjustment to the Board of Revenue.

Project for separating the Civil and Military machinery of the Department of Public Works in the N. W. P.

1. There are eight Divisions of Public Works under the jurisdiction of the Government of the N. W. P., viz. Meerut, Rohilcund, Kamaon, Delhi, Agra, Allahabad, Cawnpore and Benares.

2. The Meerut and Rohilcund Divisions are now so denuded of Troops, that one Officer on 600 rupees per month could well superintend the Military Buildings, whilst the Civil duties being very extensive would require two Officers each on 600 rupees per month. Kamaon may be considered part of Rohilcund; and Dehra Dhoon, with Landour and Mussoorie, part of Meerut Division.

3. The Agra Division, with Futtehgurh annexed to it, would require one Officer on 600 rupees for the Military, and one on the same salary for the Civil, works.

4. The Cawnpore and Allahabad Divisions merged into one would not afford too much work for two Officers. One in the Civil the other in the Military Departments, each on 600 rupees per month.

5. The Benares Division if relieved of Civil works would afford the work of a second class division in the Military Department, salary 300 rupees. But its Civil works (especially in Goruckpoor) would give occupation for an Officer on 600 rupees per month.

6. The Delhi Division has work neither in the Civil nor in the Military Department for an Officer of experience. One Officer on rupees 600 per mensem could perform the duties of both.

7. The following is a statement of comparative expence between the existing and the proposed system.

Present system.		*Proposed system.*	
Meerut Executive Engineer, ...	600	Rohilcund Civil, ...	600
Rohilcund ditto, ...	600	Meerut ditto, ...	600
		Rohilcund and Meerut Military, ..	600
Agra ditto, ...	600	Agra Civil, ...	600
		Agra Military, ...	600
Cawnpore ditto, ...	600	Cawnpore and Allahabad Military,	600
Allahabad ditto, ...	600	Ditto Civil, ...	600
Benares ditto, ...	600	Benares ditto, ...	600
		Ditto Military, ...	300
Delhi Ditto, ...	600	Delhi Civil Military, ...	600
	4,200		5,700

Exhibiting an excess caused by the proposed system of rupees 1,500 per mensem or rupees 18,000 per annum.

8. The aggregate amount of the Road and Ferry Funds, is about rupees 5,50,000 per annum, therefore the excess of

rupees 18,000, which may fairly be debited to this account, would cause a charge upon the fund of $3\frac{1}{2}$ per cent.

F. ABBOTT, *Lieut.-Col.*
Superintendent of Engineer, N. W. P.

REVENUE ADMINISTRATION OF 1846-47.

No. 4753.

To W. Muir, Esquire,
Secretary to the Sudder Board of Revenue,
North Western Provinces, Agra.

Dated, Agra, the 25th September, 1848.

SIR,

REVENUE DEPARTMENT, No. I am desired to acknowledge the receipt of your letter, dated the 15th ultimo, reporting on the Revenue Administration of the year 1846-47.

2. The Lieutenant-Governor concurs with the Board in considering the result of the land revenue collections very satisfactory. It is believed that, if the items of balance were still more minutely analyzed than is the case in your statement, No. 1 A, it would be found that many of them were in fact not demandable, whether owing to decrease of assessment (which are believed to be alone shewn as "nominal" in your statement), or diluvion, or the release of resumed Maafees, or errors of account. If all these were shewn, as they ought to be, as deductions from the demand, and not as balances, the per centage of the jumma not realized within the year would be found it is believed to be very small indeed. If, in future statements, the Board can conveniently construct their account on this principle, it will materially add to its value. At present the account is fictitious from the circumstance that the amount of the demand is always unduly swelled.

3. The increased efficiency of Kham holding is satisfactory in so far as it affords presumption of a better acquaintance on the part of the Collectors with the agricultural capabilities of the districts, and with the management of estates.

4. The decrease in the number of Dustuks is desirable, but caution is requisite to prevent the irregular summoning of Malgoozars without the issue of Dustuks. It is feared that this may become customary, if too much stress is laid on the diminution in the number of Dustuks.

5. Statement No. XI. is highly interesting, and will become valuable when similar documents exist for a series of years. So far as regards the three kinds of sale, it might be expected that voluntary sales would bring higher prices than compulsory sales, and that estates sold for arrears of revenue would prove less valuable than those sold under orders of the Court in execution of decrees. It is unnecessary to observe that in these provinces sales for arrears of revenue are only resorted to in special cases when a particular end is to be attained, such as the restoration of old proprietors, the creation of a good title, the punishment of a refractory community, or the ascertainment of the market value of an estate the real assets of which appeared doubtful. The result of the sales cannot therefore be received as any fair criterion of the value of land, as may be in some degree the case in Bengal, where they are the primary and ordinary mode of realizing the land revenue of the Government.

6. The question of the joint responsibility in coparcenary estates, which is discussed in the separate notes of the members, is possessed of so much interest and importance that the Lieutenant-Governor has expressed his individual opinion regarding it at some length in a Minute, which will be found appended to this letter.

7. I am desired to request that the Board's attention may be drawn to the irregularities regarding the division of estates, which are shown in statement No. V. and are remarked upon in paras. 17 of the minute. Some enquiry seems necessary regarding the practice in the zillahs which are mentioned.

I am, &c.

C. ALLEN,

Officiating Secretary to Government, N. W. P.

MINUTE ON THE JOINT RESPONSIBILITY OF THE COPARCENERS IN PUTTEEDAREE ESTATES.

1. In considering the question of the joint responsibility of the coparceners in Putteedaree Estates, it may be advantageous to enquire what is the actual state of the law in this respect, how far it is in harmony with the feelings and institutions of the people, and how far it is consistent with the general rules of expediency and good policy.

2. The state of the law is this, that when a body of men remain voluntarily associated together for the joint management of an estate, and one of them falls in balance, the whole body are liable to be called upon to make good the balance.

3. The course of legislation regarding the division of estates shows that the Government were quite sensible of the dangers to which private rights might be exposed from the well-known principle that joint proprietors were "considered jointly and severally responsible for the payment of the public revenue assessed upon the estates," and that the Government also recognized, as the safeguard against this danger, the power possessed by proprietors in a joint estate "at any time to obtain a division and separation of their respective shares of the lands, whenever they may deem it conducive to their interests to have recourse to that measure."

See Section 3, Regulation VII. 1805.

V. Preamble of Regulation VII. 1805.

4. This was provided for by Section 31, Regulation XXVI. 1803, which declared that "when the proprietor of a joint undivided estate is desirous to have separate possession of his share, the Collector shall immediately proceed to make the division of the joint property."

5. The temporary and partial forgetfulness of this principle, which caused the enactment of Regulation VI. 1807, to prevent the formation of estates paying less than 1,000 or 500 rupees jumma annually, only led to its more distinct and perfect recognition by Regulation V. 1810, which rescinded Regulation VI. 1807, and declared that the restriction "laid on the partition of small estates had been the cause of considerable injury to

numbers of individual sharers; thereby inducing a sacrifice of private rights which the degree of public inconvenience arising from the minute division of landed property does not appear of sufficient magnitude to justify or require."

6. Regulation XIX. 1814, re-enacted with some modifications the former laws, and maintained the obligation on the Collector to divide the estate on application from one or more of the joint proprietors, provided that there were no disputes regarding the shares. But it left untouched the provisions of Regulation IX. 1811, which afford peculiar facilities for the separation of properties in Putteedaree Estates, on the ground that "the interest and welfare of the landholders require that the division of portions of estates should be easily effected."

7. If there be any dispute regarding the shares, or if the Collector hesitate on any account to act under the obligation imposed upon him by the law to divide an estate on application from the proprietors, it is in the power of one or more of the proprietors to compel division by suit in the Civil Court. It is therefore altogether optional with a proprietor whether he remain liable to the joint responsibility, which attaches to all sharers in joint undivided estates.

8. If the estate remain undivided, and one of the sharers fall into balance, the amount may be realized from him individually or from the whole body collectively. In practice it is customary to attempt to realize first from the individual, then to offer his property to any coparcener, who will pay up the arrear, and, if no one accepts this offer, then to hold the entire body jointly responsible for the balance.

9. It is well-known that these principles of administration have been introduced to meet the circumstances of what are commonly designated village communities in these provinces. These communities cannot be better described than in the words of the late Lord Metcalfe in his minute of November 7th, 1830.

"The village communities are little republics, having nearly every thing that they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty

See Appendix No. 84 to report of select Committee of the House of Commons on the affairs of the East India Company, dated August 16th, 1832.

after dynasty tumbles down; revolution succeeds to revolution; Hindoo, Patan, Mogul, Mahratta, Sikh, English, are all masters in turn; but the village communities remain the same. In times of trouble they arm and fortify themselves; an hostile army passes through the country; the village communities collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the force employed be irresistible they flee to friendly villages at a distance; but, when the storm has passed over, they return, and resume their occupations. If a country remain for a series of years the scene of continued pillage and massacre, so that the villages cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers; the same site for the village, the same positions for the houses; the lands will be re-occupied by the descendants of those who were driven out when the village was depopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength to resist pillage and oppression with success."

10. Any person, who is conversant with the social state of the agricultural classes in these provinces, knows that these communities are found in the most perfect state in the Delhi territory and in Bundlecund, and that they are commonly met with throughout the Doab, on the right bank of the Jumna, and in the southern and western parts of Rohilcund, and that even in the province of Benares they are frequently found little altered from the state in which they existed, when the province first came under our rule half a century ago.

11. The sentiments of the same high authority regarding the course which should be pursued towards these communities is entitled to respect.

"This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have suf-

fered; and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence. I wish, therefore that the village constitutions may never be disturbed, and I dread every thing that has a tendency to break them up. I am fearful that a Revenue Settlement separately with each individual cultivator, as is the practice in the Ryotwar Settlement, instead of one with the village community through their representatives the head men, might have such a tendency. For this reason, and for this only, I do not desire to see the Ryotwar Settlement generally introduced into the Western Provinces. The experienced advocates of that mode of settlement would, I believe, maintain that it need not produce that effect. It appears to me, however, that it must tend to loosen, and ultimately dissolve the ties which bind the village communities together. Instead of all acting in union with a common interest as regards the Government, and adjusting their own separate interests among themselves according to established usage, each would have his separate independent arrangement directly with the Government, and could hardly fail to be thereby less linked with his brethren."

12. If the settlement is made with all the members of the community jointly, it follows that the whole are jointly responsible for the whole demand; and, unless the joint responsibility be merely nominal, it must as a general rule be maintained. It is a principle maintained by all former Governments; it is one, the justice of which the people never dispute; and it is one of which distinct traces have been left in many of the customs which prevail in the communities.

13. The expediency of maintaining the principle of joint responsibility is supported by many arguments, besides that of general adaptation to the feelings and customs of the people.

14. It greatly promotes self-government, and renders unnecessary that constant interference with the affairs of individual cultivators on the part of the Government Officers which must otherwise exist; it saves them from much expense which would otherwise fall upon them; and it facilitates their union for many purposes of municipal economy which could not otherwise be effected. The efforts of the prosperous and industrious members

of a community will often be directed to stimulate the idle, to assist the unfortunate, and to give additional value to the labours of their thrifty brethren. Property being minutely divided, and each proprietor clinging with the greatest tenacity to his patrimony, it would be difficult to devise a civil institution better calculated to add to the happiness and prosperity of the people.

15. And as a system it does work well;—year after year thousands of communities pay up their Government demand without any demur or difficulty, and manage their own affairs without needing the intervention of any Revenue Officer of the Government. It is most desirable that they should continue to do so; and, if difficulties do arise, the law has invested the village representative with full power to realize the balance by summary suit or distraint. But exceptional cases will occur. Dissensions amongst the old members of the community, the intrusion of strangers or the pressure of calamitous seasons, will throw the whole community into difficulty; and great judgment will be necessary in then dealing with the case. It is not impossible that there may be a general alarm, and that even the solvent coparceners will withhold payment of what is primarily due from them, lest they be held responsible also for the default of others. This need never proceed to any great extent; for on the first occurrence of a balance, the Collector can attach the whole village, and can hold each proprietor responsible in his person and personal property for the sum due from him. This power, when rightly wielded, is quite sufficient to prevent any substantial proprietor from wilfully withholding what it is in his power to pay. But, even if individual damage and loss to the Government did occasionally occur, this would be quite insufficient to warrant the rejection of a principle otherwise sound and generally beneficial in its operation.

16. In order that the people should experience the full benefits which the observance of these principles is calculated to confer on them, it is necessary that the Revenue Officers of the Government should comprehend the full extent of the obligations which rest upon them. They should understand all the advantages attending each state of property,—that which involves

the maintenance of the joint responsibility, and that which is consequent on its dissolution; they should recognize the duty of rapidly, cheaply, and readily, dividing estates whenever application to that effect is made, with an understanding of the question on the part of the applicant; they should feel and understand the facilities for divisions occasioned by the late settlement; and, above all, they should observe a marked distinction in the mode of dealing with joint undivided estates, and with separate estates on the occasion of a balance.

17. A reference to statement No. V. shows that there is much diversity of practice regarding divisions. Such divisions by consent of the parties are numerous in Rohtuck (74) and in Agra (62), whilst in Goruckpore there are no less than 1358, being about ⅔ of the number (1920) in the whole provinces. In Seharunpore and Bolundshuhur, there have been none, whilst in many districts there are very few. In Rohilcund the practice is uniformly general. The number of divisions by order of Court is generally small, but in Shahjehanpore it seems to have suddenly amounted up to 141, which is in itself more than half of the whole number (274) in the provinces. These irregularities no doubt arise from local misapprehensions, or from whims and fancy, on the part of particular Officers. There is good reason to believe that, except under peculiar circumstances, the numbers of a community, when the merits of the case are fairly stated to them, would rather remain united.

18. Statements will not so easily expose irregularities of practice regarding joint undivided estates in balance, but there is reason to apprehend that, when a balance is due, or even before the time on which it is legally due, the Collector frequently permits separate Dustuks to be served on all members of the community, and treats them as if they were severally responsible, without any attempt to enforce through the Lumburdar the joint responsibility which is an essential feature of the settlement contract. Act I. 1841, has done much to prevent cases of injustice and hardship which formerly occurred, but its too general and indiscriminate use may undermine the very constitution of the village communities.

19. When a balance has actually occurred in a Putteedarree

Estate it is evident that if, as the Senior Member seems to desire, the joint responsibility of the whole community be immediately repudiated, the efficacy of the principle is destroyed at the very time when it should come most into operation. A few examples even of ruin to a community by the enforcement of the principle might possibly be beneficial in their moral effect upon many other communities. Instances may, however, be adduced in which it may be wise to remit a balance rather than attempt to enforce payment by the whole community, as it may be wise sometimes to remit a balance from an individual rather than to bring his estate to sale for its liquidation; but it is unnecessary to contemplate the existence of such cases. The joint responsibility of the whole community is understood by the people, it is in unison with their established customs, and is in itself equitable and politic. Being so, its maintenance should be the rule, and exceptional cases should be treated on their merits,—it being understood that strong grounds must be shewn to warrant the exception.

20. In para. 11 of the Secretary's letter, the Senior Member justly remarks on the importance of facilitating the investment of capital in land. Of this there can be no question, and it is gratifying to observe how eagerly land is now sought after as an investment by all classes of natives.

21. This will be more and more the case in proportion as titles to land are defined and rendered secure. It may be doubted whether the principle of joint responsibility materially affects this. In many cases it certainly increases the desire to obtain the rights and interests of a coparcener in a joint undivided estate, because the purchaser hopes to make his first acquisition the means either by fair or unfair methods of obtaining the whole estate. This is occasionally forced upon notice by the odious efforts of some intriguing oppressor to usurp the property of a whole community; but it also happens, far more frequently than is generally supposed, when a friendly capitalist is introduced to relieve the proprietors of a burthen, which they find themselves unable to bear, and to afford them the chance of recovery. Undoubtedly the right of pre-emption, which naturally results from the principles of joint responsibility,

tends much to the consolidation of small properties. It may be apprehended that small independent holdings would be found so expensive to manage, and so open to vexatious interfence on the part of Government Officers, that they would be shunned rather than sought after as an investment.

J. Thomason.

SETTLEMENT OF BANDAH.

No. 3199.

To H. S. Reid, Esquire,

Officiating Secretary to the Sudder Board of Revenue, N. W. P.

Dated, Agra, 23rd October, 1848.

Sir,

Revenue Department, No. I am desired to acknowledge the receipt of your predecessor's letter, dated June 9th last, regarding the settlement of Zillah Bandah.

2. This district has long been the source of much anxiety to the Government. Many circumstances connected with the district required that, from the first commencement of our rule, it should be managed with much moderation and care. The soil is very fertile, but the produce varies greatly from vicissitudes of season, owing to the difficulty of artificial irrigation. The people are a bold and spirited race, surrounded by petty independent and warlike States, and having in their immediate neighbourhood a hilly country abounding in strong positions. The tenures of land are more than ordinarily complicated and difficult of comprehension.

3. The cautious treatment required by such a state of things has unfortunately not been followed. The first assesssments were apparently fair and moderate, but in 1815-16 the Government demand was very unduly raised in consequence of a fictitious state of prosperity occasioned by reckless speculation in some of the staple articles of produce. A vain attempt was made for some years to realize this demand, till in 1237, F. S. (A. D. 1829-30), the settlement was virtually annulled, and the whole district held Kham. In Bundlecund the season of 1241,

F. S. (1833-34), was one of absolute famine; and that of 1245, F. S. (1837-38, A. D.) was very unfavorable to agriculture. These two misfortunes have contributed much to increase the difficulty of restoring the district to prosperity. The annexed memo.* shows the demand and collection for each year from the commencement of our rule to the end of 1842-43.

* F. S. Year.	Christian Year.	Jumma.			Collections.			Remarks.
1212	1804- 5	5,47,729	2	10	4,92,959	4	3	
1213	1805- 6	5,33,606	1	6	4,86,083	10	6	
1214	1806- 7	13,75,530	7	0	13,03,055	5	7	Settled by Mr. J. D.
1215	1807- 8	12,61,787	10	0	12,14,694	12	4	Erskine.
1216	1808- 9	13,12,513	0	6	12,90,077	3	7	
1217	1809-10	14,03,476	1	0	13,73,807	8	11	
1218	1810-11	14,19,930	1	0	14,01,884	3	8	Do. by Mr. Moore.
1219	1811-12	14,51,028	1	0	14,19,075	7	4	
1220	1812-13	14,93,999	14	9	14,69,214	11	3	
1221	1813-14	14,88,540	7	9	14,55,311	4	0	Do. by Mr. Marjeri-
1222	1814-15	14,94,908	0	0	14,64,545	12	11	banks.
1223	1815-16	19,21,226	11	3	18,70,039	13	4	
1224	1816-17	19,18,025	12	0	18,88,174	6	10	
1225	1817-18	19,11,984	12	6	18,91,219	15	10	Do. by Mr. Waring.
1226	1818-19	20,50,716	15	0	20,24,668	12	10	
1227	1819-20	20,36,508	2	3	20,00,436	10	10	
1228	1820-21	20,00,560	15	8	19,82,499	7	8	
1229	1821-22	20,04,407	10	9	19,79,375	12	9	
1230	1822-23	20,09,958	10	5	18,56,898	0	10	Do. by Mr. Campbell.
1231	1823-24	20,07,393	10	5	19,74,794	10	7	
1232	1824-25	20,09,672	10	5	19,16,245	8	1	
1233	1825-26	18,78,906	11	1	18,21,649	12	8	
1234	1826-27	18,70,104	11	9	18,15,208	5	9	
1235	1827-28	18,62,425	6	9	17,23,895	11	0	Do. by Mr. Wilkinson.
1236	1828-29	18,66,083	14	9	16,12,580	4	6	
1237	1829-30	18,69,716	6	9	13,48,460	10	3	
1238	1830-31	18,61,781	6	9	14,25,059	9	4	
1239	1831-32	18,60,623	6	9	13,75,428	0	3	Kham.
1240	1832-33	18,61,303	14	9	12,63,143	5	6	
1241	1833-34	13,49,047	0	6	11,51,073	9	10	Famine year.
1242	1834-35	18,59,077	14	9	13,38,899	9	0	
1243	1835-36	18,58,427	14	9	13,89,760	0	10	
1244	1836-37	18,57,327	14	9	14,02,021	8	6	
1245	1837-38	14,19,869	12	9	14,12,340	14	7	Settled by Mr. Begbie
1246	1838-39	15,04,913	15	9	14,95,489	12	5	Famine year.
1247	1839-40	15,10,148	15	9	14,92,726	3	1	
	1841-42	15,22,088	12	9	14,96,375	14	5	Change in the ac-
	1842-43	15,24,177	11	0	13,81,349	11	10	counts.

4. Mr. Begbie's settlement, which was founded on the results of his Kham management, was generally supposed to be fair. When Mr. W. Wright was appointed in 1841 to revise the settlement, it was supposed that little alteration in the amount was requisite. Equalization in only a few Mehals was proposed.

He completed the settlement in the end of 1843, proposing a somewhat higher jumma than Mr. Begbie's to which should be added 71,000 rupees on account of Road Fund, Chowkeedarree, Zemindarree, Dawks, &c.

5. Doubts arose as to the expediency of confirming this settlement, and the unfortunate dissensions between Mr. Wright and the Collector of the district rendered it difficult to arrive at a correct conclusion on the subject.

6. Mr. Rose, an Officer of the highest ability and experience, was therefore selected in the commencement of 1845 to be Collector of the district. The whole of the settlement proceedings were placed in his hands, with full power to revise them as he saw fit. The result was that he made some, though not very large, reductions in the Government demand; that he considerably reduced the extra demands for Chowkeedars, imposed by Mr. Wright; and that he brought on the rent-roll several resumed Maafees which, including those settled by Mr. Wright, were assessed at 43,000 rupees. He had just concluded his operations at the end of 1846, when he was unfortunately cut off, and the Government was thus deprived of the services of a public Officer whose further superintendence would at that time have been most valuable to the district.

7. It is the settlement, thus carefully made and repeatedly revised, of which the Board "cannot recommend the absolute confirmation." The Members of the Board do not concur in the course they would recommend, but they consider the district to be still in an unsatisfactory state.

8. The Senior Member would confirm the settlement, on the distinct understanding that in all cases of hardship the progressive jumma shall be abandoned. The Junior Member would confirm the jumma of Mr. Rose's revised settlement from the commencement of the next official year of 1848-49, and would disallow all further increase.

9. Both of these recommendations proceed upon the assumption that Mr. Rose's original jumma was fair, and that his error lay in the progressive increase which he demanded. Of this however no proof is given. It is only presumed that, though he was competent to decide on the then assets of a village, he

could not predict what would be the future assets. To this it may be replied that all prospective settlements for a period of years involve a certain degree of prediction regarding future assets; that, where there is much land culturable, thrown out of cultivation some time ago and now coming rapidly again into cultivation, a progressive increase is necessary, or otherwise there will be very great inequality of assessment; and that there seems no sufficient reason to distrust Mr. Rose's judgment more in one class of cases than in another.

10. The Senior Member's proposal to leave the amount of demand open to future reduction as cases of hardship might be apparent, is at variance with the principles on which the present settlement is formed. This avowed uncertainty would become a premium on defalcation and sluggishness in the cultivators, and an intrigue and embezzlement in the Native Officers of the Government, and would materially perplex the Collector and add to his difficulties.

11. The deputation of other Officers for the revision of the settlement seems useless. Better Officers than Mr. Wright and Mr. Rose cannot be found, and the uncertainty and delay which such a process occasions is in itself most detrimental to the welfare of the district. It seems therefore preferable to come to an immediate decision regarding the question from such information as is at hand or immediately available.

12. The Lieutenant-Governor himself visited Bandah in March 1843, when Mr. Wright was there, and in 1845 he again visited it when Mr. Rose was employed upon the settlement. He also held personal conference with Mr. Rose at Futtehpore in the end of 1845. The impression left upon his mind was that the reductions made by Mr. Rose on Mr. Wright's settlement were sufficient. He found confirmation of this opinion in the following comparison of different settlements which had been formed. The jumma of 1222 F. S. 1814-15, prior to the sudden increase, is generally considered to have been fair; but to this must be added Rs. 1,12,000 for the jumma of Pergunnah Khundah which has been annexed to the district since the year 1222. This would give Rs. 16,07,000 as the jumma in 1814-15, of the tract corresponding with the present limits of the district.

It will also be necessary to exclude from Mr. Rose's jumma the sum of Rs. 43,000 for resumed Maafees, and Rs. 31,000 from Mr. Wright for the same reasons. The comparative jumma will stand thus.

Jumma of 1814-15, Rs. 16,07,000.

Mr. Begbie's jumma, Rs. 14,19,869 in 1837-38, to Rs. 15,67,000 in 1847-48.

Mr. Wright's Rs. 15,71,000 in 1845-46, to Rs. 15,97,000 in 1855-56 and Rs. 71,000 extra.

Mr. Rose's, Rs. 15,17,000 in 1845-46, to Rs. 15,70,000 in 1855-56 and Rs. 30,000 extra.

The effect then of Mr. Rose's settlement has been to postpone the highest of Mr. Begbie's demand for eight years, and to keep the assessment within the amount of 1814-15.

12. Mr. Robinson however, the Junior member of the Board, who had lately visited Bandah, reported that Mr. Edgeworth considered the present settlement too high, and Mr. Allen, whose experience in Humeerpore gave great weight to his opinion, considered that further reduction was called for. In all such cases, moderation of demand is the safe side to which to lean, and it was therefore determined to grant further moderate reductions, if they could be given promptly without materially protracting the proceedings.

13. As Mr. Edgeworth, the present Collector of the district, is an Officer of known intelligence and experience in the formation of assessments, and as his residence of upwards of a year and a half in the district has given him great local knowledge, it seemed best to refer the subject to him, and to request that he would, if he considered it desirable, immediately propose such reductions as would meet the exigency. Mr. Robinson, the Junior Member of the Board, became the medium of communication, and the letters which passed are now placed on record. The reductions proposed by Mr. Edgeworth will be found detailed in an annexed statement. They amount to the following sums.

For 1848-49,	Rs.	33,347
For 1849-50,	„	30,922
For 1850-51,	„	28,267

For 1851-52, ... Rs. 27,127
For 1852-53, ... „ 26,927
Permanent, ... „ 26,776

14. These reductions are sanctioned and the jumma as thus amended is confirmed according to the marginal entry.* It must

* Pergunnahs.	1848-49.	1849-50.	1850-51.	1851-52.	1852-53.	1853-54.	1854-55 and 1855-56.
Tirohan including No. 58 Guhora Paee, ...	1,15,668 4	1,16,051 4	1,16,151 4	1,16,151 4	1,16,151 4	1,16,151 4	1,16,151 4
Busousa, ...	1,62,710 0	1,63,993 0	1,64,243 0	1,64,528 0	1,64,528 0	1,64,528 0	1,64,548 0
Banda, ...	2,67,344 2	2,71,337 8	2,72,616 4	2,73,376 4	2,73,676 4	2,73,867 4	2,74,076 4
Seonda, ...	1,78,356 0	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0
Glanee, exclusive of Khuptia and 11 Mehals, ...	1,60,285 14	1,63,966 14	1,64,766 14	1,65,016 14	1,65,016 14	1,65,016 14	1,65,016 14
Simounee, ...	1,58,240 4	1,62,021 4	1,62,171 4	1,62,271 4	1,62,271 4	1,62,271 4	1,62,271 4
Tuggassee, exclusive of Beonja,...	1,72,798 0	1,74,823 0	1,76,323 0	1,77,373 0	1,78,673 0	1,79,424 0	1,79,424 0
Oursenda, ...	1,84,477 0	1,86,112 0	1,87,527 0	1,88,447 0	1,88,457 0	1,88,457 0	1,88,457 0
Siheeboon excluding No. 58 Guhora Paee, ...	1,32,963 0	1,34,397 0	1,35,102 0	1,35,727 0	1,35,732 0	1,35,732 0	1,35,732 0
	15,32,842 8	15,57,798 14	15,63,997 10	15,67,987 10	15,69,602 10	15,70,544 10	15,70,778 10

* Pergunnahs.	1856-57 to 1858-59.	1859-60.	1860-61.	1861-62 to 1865-66	1866-67.	1867-68.	1868-69 to 1871-72.
Tirohan including No. 58 Guhora Paee, ...	1,16,151 4	1,16,151 4	1,16,151 4	1,16,151 4	1,16,151 4	1,16,151 4	1,16,151 4
Busousa, ...	1,64,548 0	1,64,548 0	1,64,548 0	1,64,548 0	1,64,548 0	1,64,553 0	1,64,554 0
Banda, ...	2,74,086 4	2,74,096 4	2,74,096 4	2,74,096 4	2,74,096 4	2,74,096 4	2,74,096 4
Seonda, ...	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0	1,85,097 0
Glanee, exclusive of Khuptia and 11 Mehals, ...	1,65,016 14	1,65,016 14	1,65,016 14	1,65,016 14	1,65,016 14	1,65,016 14	1,65,016 14
Simounee, ...	1,62,271 4	1,62,271 4	1,62,271 4	1,62,271 4	1,66,271 4	1,66,271 4	1,66,271 4
Tugassee, exclusive of Beonja,...	1,79,424 0	1,79,424 0	1,79,424 0	1,79,424 0	1,79,424 0	1,79,424 0	1,79,424 0
Oursenda, ...	1,88,457 0	1,88,457 0	1,88,462 0	1,88,467 0	1,88,477 0	1,88,477 0	1,88,477 0
Siheeboon excluding No. 58 Guhora Paee, ...	1,35,737 0	1,35,737 0	1,35,737 0	1,35,737 0	1,35,737 0	1,35,737 0	1,35,737 0
	15,70,788 10	15,70,798 10	15,70,803 10	15,70,808 10	15,74,818 10	15,74,823 10	15,74,824 10

however be provided that, where the authorized reduction would go to benefit an estate which is now let in farm, the farmer is not to benefit by the reduction unless he relinquish his lease, and allow the proprietor the option of engaging. If he refuse to do this, and prefer holding the farm on the terms agreed to, the surplus will be realized, and either credited to Government under the head of profit and loss, or be expended in the improvement of the estate, or paid over to the proprietor, as the Collector, under the orders of the Board, may think right. Any balances still outstanding may be adjusted according to the revised jumma, but no refunds will be made of sums which have been collected in excess of the demand now fixed.

15. It is hoped that this measure will have a beneficial effect in the district, and that the Malgoozars, when they find that a moderate demand has been definitively fixed, will apply themselves with earnestness to its punctual payment, and to the improvement of the property.

16. At the same time the realization of this hope must depend in a great measure on the judgment and decision of the Revenue Authorities. The fiscal administration of Bandah will for a long time demand more than ordinary skill and attention. Over-assessment always demoralizes a people by driving them to all possible shifts and expedients in order to avoid an oppressive demand. But this evil is increased and perpetuated whenever, as in Bandah, an attempt has been made to realize such a demand by extensive sales of land. The natural distribution of property is violently disturbed. Land is taken from the hands of those who are attached to it from long prescription, and made over to mere speculators, who are often men of intriguing habits and unscrupulous character. Chicanery of all possible kinds is brought into play, to cause the sale of estates, and to retain them in the possession of the purchasers.

17. All these circumstances will require much care and discrimination on the part of the Collector. His proceedings will depend on the tenure upon which the land is held. If the estate be in possession of a large Bhyacharah community who themselves cultivate the soil, the greatest reluctance should be felt to even the temporary transfer of their rights; but if such a

measure be necessary, immediate steps should be taken to determine the relations which are to exist between them and the new manager. In general, Kham holding will be the best mode of proceeding, and it will be effectual if the proprietors can be made to feel that their profits are less when the village is Kham, than when they are in proprietary possession. The mode in which the Kham Jummabundee is fixed determines the result of the measure.

18. When the old proprietary community still cultivate the land, but have lost possession of their rights, and are desirous to regain them, it will be generally desirable to seize the first opportunity of effecting this end. No hesitation need be felt in bringing estates to sale for arrears, when they are held by those who do not cultivate and have no ancient hereditary attachment to the soil.

19. In all cases, promptitude and research are necessary, immediately on the occurrence of arrear, in order to discover the real cause of default, and to remedy it to the greatest degree possible. This is especially the case in Bhyacharah Estates, where the existence of some petty dispute capable of immediate adjustment imperils the property of the whole community. The powers lately conferred on Collectors by the notification of September 12th last, enable them immediately to terminate all such disputes. Henceforward the existence of disputes will be no adequate excuse for harsh measures, till the Collector has shewn that they have been decided, and every possible means used to induce the coparceners to pay according to the decision.

20. By the orders of 17th Nov. last, No. 4447, authority was given to commence the collections of the Rubbee Kists before May 1st in the Bandah district. It must be understood that sanction is given to the settlement, subject to this condition. In the Durkhasts taken for the reduced amount under the authority now given, the new Kists should be entered, and generally throughout the district where the change can be effected, it may be desirable to take fresh engagements.

21. Mr. Rose's acts in confirming a proprietary title on the holders of some estates which belonged to Government, as mentioned in para. 18 of your letter, are approved and confirmed.

22. The Senior Member has recorded a note professedly on the Bhejburar tenure, in which it is natural to look for some pertinent remarks on that very curious and peculiar mode of holding land, to which the attention of the Board was particularly drawn by my predecessor's letter of April 15th, 1845. The Senior Member's observations have however equal reference to all coparcenary tenures which involve the well-known principle of joint responsibility, and which are found in all parts of the country from Hissar to Gazeepore, and under many other local designations besides that of Bhejburar, which is peculiar to Bundlecund.

23. This question of joint responsibility has lately been so fully discussed in the minute appended to my letter of 25th ultimo, No. 4753, that further lengthened remark is unnecessary. It need only be observed that in no class of coparcenary tenures is the principle of joint responsibility so well understood and so fully acted up to as in the Bhejburar of Bundlecund. That feature of the system by which the default of an insolvent coparcener is made good by a new bachh or burar (rate) upon the lands of the solvent Putteedars shows its antiquity and its strength. Some doubt may still be entertained how far Mr. Allen and Mr. Muir acted wisely in partially infringing upon this principle, by forming the Thokes or Puttees of many communities into separate Mehals. Some proceedings of Mr. Pearson's at Calpee, which have lately come under the notice of Government, show what excessive care is necessary in adjusting divisions of that nature, so as to avoid offence to the preconceived notions of the people, or probable dissensions amongst the owners of the newly constituted Mehals.

24. From paras. 23-30, of his note the Senior Member seems to advocate the discontinuance of the annual Jummabundee filed by the Putwarree in estates where there are non-proprietary cultivators, and considers that the rights of those classes would be sufficiently secured by once ascertaining and recording the rates of rent. It is evident that such a process would not shew the extent of a cultivator's holding, which is a most important element in the determination of his right, and that it would always leave open to much doubt the particular rate to be

applied to the holding. But it is by no means certain that there are, in any pergunnah, rates which are so far fixed as to be capable of unvarying application to such a purpose. Mr. S. M. Boulderson, an Officer of well known experience and ability, who seems to have given much attention to this subject, observes in his letter from Sydabad of December 12th, 1815;—" These rates are well known to the ryots, but in general they are much heavier than can possibly be levied from any but the very best ground in the very best state of cultivation, and a consequent reduction invariably takes place on the total demand against a ryot under the head of " Nabood."

See printed selection of papers from the records of the East India House, Vol. III. p. 209.

25. The Lieutenant-Governor is aware that the late Mr. Rose paid much attention to the peculiarities of the Bhejburar tenures in Bundlecund, and that he had collected some curious and interesting information regarding them. It is hoped that his premature and lamented death has not occasioned the loss of these papers. Mr. Edgeworth would find most useful occupation in arranging and adding to these materials.

26. As it is of importance that the earliest publicity should be given to the orders now passed regarding this settlement, a copy will be sent to Mr. Edgeworth of the paras. 13, 14 and 26, and of the statement therein referred to, and he will be desired to take immediate steps for giving the utmost publicity to the jumma now determined, so that the relief granted may be immediately made known to the people, and any expectation they may possibly entertain of further change may be terminated. A copy of the letter to Mr. Edgeworth is forwarded for the Board's information.

I am, &c.

C. Allen,

Officiating Secretary to Government, N. W. P.

JOINT RESPONSIBILITY IN UNDIVIDED ESTATES.

No. 47.

To the Secretary to the Sudder Board of Revenue,

North Western Provinces, Agra.

Dated, Agra, the 30th December, 1848.

SIR,

REVENUE DEPARTMENT. I am desired to acknowledge the receipt of your letter, dated November 21st last, regarding the joint responsibility of co-sharers in joint undivided estates.

2. The Lieutenant-Governor cannot assent to the justice or accuracy of the statement, regarding the point at issue between himself and the Board, contained in para. 3 of their minute. His Honour does not wish that the general responsibility of the sharers, which is involved in the ancient village constitution, shall be artificially sustained by our Revenue administration. It rather appears to him that the Board are disposed to strain the provisions of the Revenue system so as unnecessarily to subvert the ancient institutions of the country.

3. The Lieutenant-Governor and the Board both hold that the ancient village constitution, as now existing and constituted by law, involves the joint responsibility of all the members. Both recognize the right of any coparcener in a joint undivided estate to separate himself from the community, and to free himself from the joint responsibility, whenever he desires it. The Lieutenant-Governor thinks that, except in extreme cases, this ought only to be done by regular division of the estate in the mode authorized by the Regulations finally, completely, and according to the assets at the time of division. The Board desire that it should be generally done whenever the whole community or any member of it falls into difficulty, partially for the time, with reference to the assets at the time of settlement, and without enquiry regarding the assets at the time when the joint responsibility is relinquished.

4. Here, in fact, is the great distinction between the course advocated by the Lieutenant-Governor and that proposed by the Board. It seems to His Honour that the Regulations contemplate the dissolution of the joint responsibility, and the forma-

tion of estates in severalty, only in proportion to the assets of each share in the estate at the time of partition, and after careful enquiry into their amount. The Board dispense with all reference to the assets at the time of dissolving the responsibility, and look only to the settlement record, since the formation of which the value of different parts of the joint estate may have materially altered.

5. His Honour regards Act I. 1841, as the means by which, on the occurrence of a balance, the Collector may enquire into causes of default and the circumstances of the defaulter, so as to bring his process to bear primarily on the person most to blame, but without loosening the bond which unites the whole community. The Board would regard that enactment as freeing the solvent members of a community from all liabilities, in consequence of the insolvency of their coparceners.

6. The course advocated by the Board affords inducements to the joint proprietors of an undivided estate to disregard the legal obligations which rest upon them according to the ancient constitution of the village, and to become indifferent to the means by which the insolvency of their coparceners is brought about. Feelings such as these have obvious and natural results, which "jar on the moral sense" and have not the support of the law.

7. The question has not hitherto been discussed in its bearing on the financial interests of the Government. If a measure is really for the good of a people, if it promotes industry, increases the value of property, and gives additional security to titles, it ought at all risks to be adopted, even if attended with increased expense. But, if the Board intend in their 4th and 6th paras. to assert that the dissolution of the joint responsibility and formation of the joint estates into a multitude of separate estates would occasion no loss or expense to Government, the Lieutenant-Governor must express his entire dissent from their opinion. The very principle of joint responsibility implies collateral security for the solvency of each individual, and this is relinquished on the completion of the partition. It stands to reason that it must be easier, and therefore cheaper, to collect a given amount in large sums from a few individuals,

than in small sums from numerous individuals. The labour and expense of collecting from the coparceners in a joint estate is recognized, and a pecuniary allowance made for it at the time of settlement. If this labour is to be transferred to the Government, the establishment for making the collections must be increased.

8. The Lieutenant-Governor does not find himself able to concur with the Board in their estimate of the influences now at work which affect the village communities, or in their opinion regarding the adaptation of those communities to the present frame-work of society. In former times greater and more unjust alienations of property may have been effected than can take place now, but there are many causes still in operation which can be best met by combination, and the union of many persons. What was formerly done by physical force and violence is now brought about by fraud and cunning, and the power which wealth confers. The former was open in its operation, and extensive in its effects. Communities were then liable to be extirpated, as the Kuthairs in Shahjehanpore by the Mahomedans; or to be harassed by Military invasions, as were the Rajpoot tribes that originally held Pergunnah Sukrawuh in Zillah Furruckabad. Associations in large bodies was the best, though often the ineffectual, means of resisting attacks of this kind. But the combination of many men of small resources is still necessary, as well for the protection of their rights from foreign aggression, as for the promotion of their common interests by the accomplishment of great objects. The motives and passions which prompt to personal aggrandizement, and to aggression on others, are the same now as ever; the weapons of attack and offence only are altered. The combination of the poor to resist the rich is as necessary now as was then the union of the weak to withstand the strong. The collusion of one faithless member of the community with a wealthy prosecutor in the Civil Court is as dangerous to the community now as was formerly the treachery of one of the besieged in betraying the fortress to the enemy. The union of many purses to execute some work of productive industry is now as necessary, as was then the associa-

V. Printed selections from public correspondence, No. IV.

tion of many hands to enrich themselves by the plunder of a common foe.

9. The value and importance of combination for the accomplishment of purposes which involve large expenditure is extensively felt and acknowledged in all countries. It avails in the most civilized states of society to unite together men of different origin, pursuits, and character. It induces men of high intelligence to entrust their fortunes, and even their characters, to persons whom they do not know personally, and whose public reputation is small. They continue to act thus in the face of repeated warnings and calamities which happen before their eyes. When such is the strength of this principle of combination amongst men of intelligence, who are mostly strangers to each other, can it be supposed that those people are insensible to its influence with whom it is from very childhood an innate principle of their existence, and who naturally cling to it with the tenacity with which all uneducated minds adhere to first impressions.

10. This principle of joint responsibility being an original feature in the constitution of the village community, a foreign Government has need to be very careful how it lends itself to the destruction of that principle on preconceived notions of expediency and policy, without ensuring, on the part of those who are required to renounce it, the most calm and unpassioned consideration. The existing provisions of the law are eminently calculated to produce this effect, and the Lieutenant-Governor cannot consent to their renunciation.

11. It is needless, however, to push further this theoretical discussion of an abstract question. It is of more importance to state clearly and concisely the practical points which may be deduced from the consideration of the subject. The views of the Lieutenant-Governor will be found fully and authoritatively set forth in the Directions for Collectors of Land Revenue, the second part of which is now on the point of publication. But the recapitulation of them may not be useless, and possibly the publication of them, as a Circular Order, in the following concise and condensed form may not be unproductive of benefit.

First.—The proprietors of an undivided Mehal are jointly responsible to the Government for the whole of the jumma assessed on the Mehal.

Second.—It is in the option of any joint proprietor to separate his property from the rest of the Mehal, by demanding the division of the estate under the Regulations passed for the purpose.

Third.—If the share or extent of land possessed by the proprietor is known, and beyond dispute, the Collector is bound to make the division on application of the proprietor. Otherwise, the proprietor must first establish in the Civil Court his right to the share or land he claims.

Fourth.—The division of the estate must be effected by the equable apportionment of the demand upon the several portions of the joint estate, according to the assets ascertained at the time of division.

Fifth.—All proceedings, which destroy or impair the joint responsibility without enquiry into the assets at the time, must be avoided;—such are the purchase by Government, and the farm to a stranger, of a Puttee of an undivided Mehal.

Sixth.—The joint responsibility may be enforced by selling or farming the entire Mehal, or by holding it Kham, for a balance due from an individual proprietor or from a Puttee; but these measures should not ordinarily be adopted, till efforts to realize the balance from the actual defaulters have failed.

Seventh.—When default has occurred, and it becomes necessary to adopt coercive measures for the realization of the balance, great difference should be observed in collecting from the sharers in undivided estates, and from separate proprietors. The proceedings in the former case should be constantly carried on through, and in immediate communication with, the Lumburdars; and the ultimate joint responsibility should always be kept in view, and used as the means of producing combined effort for the liquidation of the balance.

Eighth.—Exceptional cases may arise in which the prosperity or existence of the community may demand that the joint responsibility be suspended or relinquished, as they sometimes occur in which the Government demand on entire estates must

be suspended or relinquished. Both proposals are of the same nature and rest on the same considerations.

I am, &c.

C. Allen,

Officiating Secretary to Government, N. W. P.

TRANSFER OF THE RIGHTS OF DEFAULTING PUTTEEDARS.

No.

To W. Muir, Esquire,

Secretary to the Sudder Board of Revenue,

North Western Provinces, Agra.

Dated, Agra, the 22nd January, 1849.

Sir,

Revenue Department. I am desired to acknowledge the receipt of your letter, No. 650, dated December 22nd last, forwarding statement of transfers of the rights of defaulting Putteedars, under Section 3, Act I. 1841.

2. The transfers thus reported are confirmed, but I am at the same time desired to communicate to you the following remarks, which are the result of a close examination of these cases made by the Lieutenant-Governor, with a view to arriving at a clearer understanding on some points that have come under discussion, and on which entire coincidence of view between the Board and himself has not yet been attained.

3. In five cases, the Puttees in balances have been transferred to strangers, and the joint responsibility of the holders of portions of these undivided estates has thus been suspended; but in the notices of these cases there is no consideration of an intelligent apprehension on the part of the Local Officers of the circumstances which render such a proceeding safe or expedient, nor dissatisfaction on the part of the Board with the nature of the information afforded them.

4. In the first case, misappropriation of the assets is said to have been the cause of the default; but the coparceners

Muglah Subtall, Pergunnah Hussungurh, Zillah Allygurh.

declined taking the Puttee "in consequence of want of means." Either then there was a deficiency of assets as well as misappropriation, or the surplus assets were so small as to render an advance of 123 rupees in order to secure their enjoyment a hazardous speculation. If the assets of this Puttee had fallen below the average, partition could not legally have been claimed by the solvent Putteedars on the terms virtually granted for the time by this transfer. The Collector should have stated the circumstances which, in his opinion, rendered it safe to suspend the joint responsibility, so as to leave the solvent Putteedars in possession of a property more lightly assessed than they could claim.

Nouphurree, Pergunnah Iradutnuggur, Zillah Agra.

5. In the second case, ten biswas fell into arrears from deficiency of assets occasioned by the wells becoming unserviceable. The Collector suspends the joint responsibility, first by holding the Puttee Kham, and then by farming it to a stranger for the remaining period of the defaulter's exclusion. A certain loss to Government of at least Rs. 200-9-4, during the period of Kham management is the immediate consequence. The solvent Putteedars have obtained an advantage to which by the nature of their tenure they were not entitled. They have obtained, by a virtual temporary partition, their portion of the estate on more favorable terms than the law entitles them to claim. It is impossible to say what would have been the effect of holding them to their joint responsibility. It might have made them reckless and ruined them, or it might have roused them to exertion, so as to enrich themselves or to save their coparceners from ruin. This alternative should have been considered and its probabilities weighed, before the solvent Putteedars were permitted to free themselves from their legal obligations.

Kutchoura, Pergunnah Bhogaon, Zillah Mynpoorie.

6. In the next case there is no explanation whatever. The course pursued is considered a usual one.

Sahni, Pergunnah Sonj, Zillah Mynpoorie.

7. The farmer is mortgagee of the Puttee, and therefore there is good presumption that the assets are sufficient. It is stated that the land and jumma are separate, which is an impor-

tant point; but reference should also have been had to the proportion borne by the assets and the jumma. In such a case sale of the defaulting Puttee may be preferable to its farm. The sale becomes a cheap and speedy method of foreclosing a mortgage which in all probability will never be redeemed.

Puttees Boozoorg, Pergunnah Bilhour, Zillah Cawnpore.

8. A reduction was given in this village by Mr. Allen, and the Mehal is not a losing one. But it is not stated whether the Puttee is profitable. The Puttee is farmed by the Collector to a stranger; and the measure is recommended by the Commissioner, and sanctioned by the Board, as the natural consequence of the refusal of the solvent Putteedars to take it. The fact is stated that the estate is imperfect Putteedaree, and no question is raised as to the probable effect of suspending the joint responsibility, or the necessity for such a measure.

9. It is unnecessary to go with similar minuteness through all the cases of transfers to Putteedars, but it may be noticed as a general feature that embezzlement of profits, and not deficiency of assets, has been the cause of default. These are exactly the cases in which coparceners, who are best acquainted with the assets of the Mehal, would be most likely to come forward. It may fairly be surmised that in these cases the defaulters' Puttees were so profitable as pretty certainly to replace the sum advanced in the stipulated period.

10. This review shows the importance of carefully discriminating between the two distinct causes of default mentioned in Sections 12, 13, and 17, Regulation XXVII. 1803, viz. deficiency of assets and embezzlement of proceeds. In the latter case it may be perceived that the Puttee would be profitable. The coparceners are security for each other's honesty, and until they release themselves from this liability by a partition, it is equitable that they should be made sensible of the obligation. It is only when the amount of the embezzlement exceeds the value of the Puttee, and the coparceners are too poor to make good the deficiency, that the policy of the measure can be questioned. If deficiency of assets be the cause of default, the Putteedars are equally liable in law and equity; the policy of holding them bound by that liability is a question for careful examination

and consideration in each case; but to assume in all cases the impolicy of enforcing it is to act on a foregone conclusion. It is impossible to discard the obligation without at once altering the whole of the system of Revenue administration, and renouncing the principle on which the settlement has been formed.

I have the honor to be, &c.

C. ALLEN,

Officiating Secretary to Government, N. W. P.

TRANSFER OF DEFAULTING PUTTEES TO STRANGERS.

No. 5227.

To the Officiating Secretary to the Sudder Board of Revenue, North Western Provinces, Agra.

Dated, Agra, the 26th October, 1848.

SIR,

REVENUE DEPARTMENT, No. 285.

I am directed to acknowledge the receipt of your letter, No. 521, dated the 13th instant with its enclosures, regarding the transfer of defaulting Puttees to strangers in Zillah Cawnpore.

2. The Lieutenant-Governor is willing to believe, that in these particular instances, there may be little risk in giving the farm of the Puttee of an undivided estate; and, in this advanced stage of the proceedings, he would not withhold confirmation of the proceeding.

3. In these cases, however, and in the other similar ones which have from time to time been the subject of comment, the Lieutenant-Governor cannot discover that the Board advert to the necessity which exists for peculiar caution, as was pointed out in my predecessor's letters of October 9th, 1844, No. 4335.

4. Whenever a Puttee of a joint undivided estate is farmed to a stranger, the power of selling or farming the whole estate, under Section 10, Regulation I. 1841, is temporarily suspended, and the joint responsibility of all the Malgoozars in the Mehals is in abeyance.

5. Whatever may be the opinions entertained by the individual Members of the Board as to the expediency or the contrary of the principle of joint responsibility, no question can be raised as to its legal existence. The law empowers the Government to hold all the proprietors of an undivided estate jointly responsible for the whole demand, and prescribes that this joint responsibility shall only be dissolved by a division of the estate, under Regulation IX. 1811 or XIX. 1814.

6. Such being the state of the case, it cannot be right that the joint responsibility should be dissolved or placed in abeyance by an indirect proceeding like the present, without the securities which the law has provided to guard against fraud in such cases.

7. One of the possible risks to which such a proceeding exposes the Government revenue may be thus illustrated. A and B are both recorded as joint and equal owners of an undivided estate of 100 acres, yielding 200 rupees and paying 100 rupees. By a collusive arrangement between them, A holds land which though nominally half in fact yields 180 rupees, and B holds land which though also nominally half in fact yields but 20. A defaults, and his holding is farmed to a stranger from whom no more than 50 rupees can be collected, whilst it will evidently be impossible to realize more than 20 from B's share. The Government will therefore lose 30 rupees during the currency of the farm.

8. It is improbable that cases so glaring as this should at present occur, but there is an erroneous principle at work in the course advocated by the Board, to the possible effects of which sufficient attention does not seem to be paid. Errors in principle, unexposed and unchecked, are the fertile source of maladministration.

9. The original enclosures of your letter are returned, copies being kept for record.

I have, &c.

C. Allen,

Officiating Secretary to Government, N. W. P.

RESPONSIBILITY OF SHARERS IN ESTATES.

No. 821.

To W. Muir, Esquire,
Secretary to the Sudder Board of Revenue,
North Western Provinces, Agra.
Dated, Agra, 10*th March,* 1849.

SIR,

REVENUE DEPARTMENT, No. 128.

I am desired to acknowledge the receipt of your letter, dated January 23rd, 1849, in reply to mine of December 30th last, conveying the sentiments of the Junior Member on the joint responsibility question.

2. It now appears that the Junior Member denies the legality and justice of the principle, without attempting to support his assertion by a reference to the law, or to the purport of the legal contract at the time of settlement. He apparently considers that the possible occurrence of cases of hardship arising from the indiscriminate enforcement of the principle affords sufficient ground for denying its existence. The Lieutenant-Governor admits the possible occurrence of cases where sound policy requires the abandonment of the principle, and he provides for their consideration.

3. It is evident that the difference of opinion between the Lieutenant-Governor and the Junior Member is correctly stated in paras. 3 and 4 of my letter of December 30th last, and as no sufficient arguments are adduced to impugn the accuracy of the views entertained by His Honour, the Board are requested to publish, as a Circular Order, the rules laid down in the above letter, with the amendments noticed hereafter.

4. With reference to the 5th Rule, it may be observed that it is by no means inconsistent with the provisions of Act I. 1841. That Act empowers the Collector to adopt one or more of several legal courses for the realization of a balance; the rule points out the considerations which should, under certain circumstances, deter him from adopting some of those courses.

5. The 4th, 5th, and 7th of the Rules will stand as amended below.

Fourth.—The division of the estates must be effected by the equable apportionment of the demand upon the several portions of the joint estate, according to the capabilities and assets ascertained at the time of division, as prescribed in Clause 4, Section 39, Regulation XXV. 1803. The separation of properties, or the adjustment of jumma, made at the time of settlement will not be binding, but the land will be divided, or the jumma will be adjusted, on the same consideration as would have influenced the determination if a new settlement had been in progress.

Fifth.—All proceedings which destroy or impair the joint responsibility, such as the purchase by Government, or the farm to a stranger, or the Kham Tuhseel, of a Puttee of an undivided Putteedarree Estate, should as a general rule be avoided, unless it be ascertained that the adjustment of the jumma correspond with the capabilities and assets of the Puttee at the time the measure is proposed.

Seventh.—When default has occurred, and it becomes necessary to adopt coercive measures for the realization of the balance, a great difference should be observed in collecting from the sharers in an undivided Putteedarree Estate, and from the proprietors of separate estates. The proceedings in the former case should be always carried on through and in immediate communication with the Lumburdars, and the ultimate joint responsibility should be kept in view, and used as the means of lessening the costs of the process, and of producing the combined efforts of all members of the community for the liquidation of the balance.

I have, &c.

C. Allen,

Officiating Secretary to Government, N. W. P.

MEMORANDUM REGARDING THE PREPARATION OF A MAP OF THE GRAND TRUNK ROAD, N. W. P.

1. An examination of C. Joseph's plan of the Grand Trunk Road from Calcutta to Benares has enabled me to decide on the particulars of the map which should be compiled for the Grand Trunk Road in these provinces.

2. The scale (4 miles to an inch) and execution of Joseph's map should be followed. The width must be a little more, so as to embrace a strip of land a little above 60 miles wide.

3. The map must be in two lengths in both of which Agra will appear, and which will over-lap in the parts east of Agra.

4. The first will reach from the Caramnassa to Agra about 360 miles in direct linear distance, which will require a length of 8 feet including the margin. The axis of this sheet will be at an angle of about 65° west of the Meridian. Touching the northern margin, there will be Nowbutpore on the Caramnassa, Canoge, and Etah. Touching the southern margin will be Humeerpore and Calpee. Jounpore, distant about 8 miles from the edge, might be shewn by a breach in the margin; and Furruckabad, and perhaps Lucknow, each distant about 12 miles, by lapels.

5. There should be shown in addition to what Joseph's map gives;—The encamping grounds and the Thannahs and the Tuhseeldaries. The whole course of the Ganges and Jumna, with the main tributaries in the Doab such as the Pandoo Nullah, the Eesun, the Rinde, the Seynghoor; as also those that fall into the Ganges and Jumna on their right banks, the Tonse, Cane, Betwa, Scinde, Chumbul, Ootungun. The chief ghats across the Ganges and Jumna should be shown with the roads leading to them from the Grand Trunk Road, and the distance from the ghat to the chief town outside the map to which it leads. Thus at Chilla Tarah Ghat would be an arrow,—"to Bandah 00 miles;" at Sherghur Ghat an arrow,—"to Jaloun 00 miles." All large towns, Kusbahs, Thannahs, and Tuhseeldaries within the sphere of the map should be shown with the district roads leading to them. The map should be coloured along the road, so as to show districts. Tuhseeldaree and Thannah boundaries should be shown by dotted bars across the road,—thus Tuhseeldaree boundaries ¦ and Thannah boundaries ⁞ In the Mirzapore district the chief mountain passes to the south should be inserted when they fall within the map, and the Jubbulpore road to the Kuttra pass. In the Allahabad district the direction and distance of the Sohagee pass should be given.

6. The second length of the map will reach from Agra to

the Sutlej about 295 miles, which with the margin would give a length of 6 feet 6 inches. This sheet will include, on its western edge, Muttra, Delhi, Soneput, Putteealah, and Loodianna (by a breach in the margin). On its eastern edge will be Khasgunge, Anoopshuhur, Suharunpoor, and Simlah (by a breach in the margin). The axis of this sheet will lie at an angle of 25° west of the Meridian.

7. In the Regulation districts the same details will be given as in the first sheet. In the Sikh territory and hills, the colouring should shew British and foreign territory. The roads from Meerut to Umballah, viâ Suharunpore and viâ Kurnaul, should be shown with the Military stations, encamping grounds, bungalows, &c. upon them as well as the Grand Trunk Road from Delhi to Umballah viâ Kurnaul and onwards to Loodianna.

8. The district maps on the scale of 4 miles to an inch will afford ample materials for filling in the above details in the regulation provinces, though reference must be made to the Magistrates of districts regarding roads, and the boundaries of jurisdictions. All entries along the line of road should be inserted from the survey or observation of the Executive Officer, and care will be required in marking the junction of cross roads with the Grand Trunk Road. In the northern parts of the second sheet beyond Kurnaul and Suharunpore, the Executive Officers on the roads, and the Revenue Surveyor, Captain Stephen, will be able to give the details of the plains. The small portion of the hill country may be taken from the published sheets of the large 4-miles-to-an-inch Indian Atlas.

9. The projected rail-road need not be shown in the map.

10. Some management will be necessary to make the two sheets of such a length as to fold up conveniently on the same plan as Joseph's map.

11. The above particulars have no pretensions to geographical accuracy. They will probably be found near enough to the mark, to guide the several Officers entrusted with the duty. I wish to see the map before it goes to press.

J. THOMASON.

RIGHTS OF UNDER-TENANTS IN JOUNPORE.

No. 1007.

To W. Muir, Esquire,
Secretary to the Sudder Board of Revenue,
North Western Provinces.
Dated, Agra, 27th March, 1849.

SIR,

I am desired to acknowledge the receipt of your letter, No. 72, dated February 13th last, regarding the proceedings of the Civil Courts with respect to the rights of under tenants in Zillah Jounpore.

2. The Lieutenant-Governor does not find himself able to concur in the views therein expressed by the Junior Member of the Board, regarding the general question of the rights of under tenants.

3. Sections 26 and 27, Regulation I. 1845, do not appear to be relevant to the case. They merely declare how far an auction purchaser is bound by the usages observed, or the contracts entered into, by the former owner of an estate. The legal rights of Zemindars with respect to their under tenants are not affected by that enactment, further than may arise out of certain acts performed by the former owner which in specified cases are made binding on the auction purchaser.

4. In para. 12, it is admitted that the Civil Courts in Bengal decree these enhancements. Such is no doubt the case, and it is usual to consider the practice of the Courts conclusive as to the law.

5. So far, however, from there being no law to authorize such enhancements of rents under certain circumstances, it may be shown that the law directly contemplates such enhancements, and provides a legal course by which the enhancement may be effected.

6. The general views entertained by the Lieutenant-Governor on this subject have been authoritatively promulgated for the guidance of Officers in the Revenue Department in the "Directions for settlement Officers." It would have been more satisfactory if the Board had adverted in their remarks to the principles there laid down, and the arguments by which they

are supported. The subject is, however, of so much importance that it may be of use to bring together whatever bears on the subject, and to explain it more fully with particular reference to the circumstances which have occurred in Jounpore.

7. The course of procedure in the formation of the permanent settlement both in the Bengal provinces and in Benares has occasioned some confusion in the treatment of this subject. The Sudder Malgoozars in Bengal, Behar, and Orissa, were declared proprietors of the land without previous determination of the real extent of their rights. Subordinate rights were recognized and declared to exist, but no precise definitions were given of them, nor was there any attempt to classify the several tenures or to form a register of them. In Benares more care was used in the declaration of the proprietary right, and it was generally conferred on those who were its actual possessors; but no complete register of them was formed. In the Ceded and Conquered Provinces the determination and registry of rights in land has been the subject of much enquiry, and if the wishes of the Government had been fulfilled no further doubt could there exist as to the nature of the right possessed by any person connected with the soil.

8. Under tenants may be divided into three great classes.

First.—Subordinate proprietors who are possessed of an heritable and transferable tenure.

Second.—Mouroosee Cultivators, possessing a tenure heritable but not transferable, and the rent of which is liable to enhancement only in certain classes.

Third.—Tenants at will.

It is the second of these classes, whose rights are now more especially under consideration; but some remarks are also necessary in the other two classes.

9. *First.*—Subordinate proprietors generally hold a certain extent of land for a fixed sum which is not liable to enhancement during the continuance of a settlement. The dependant Talookdars in Bengal mentioned in Section 51, Regulation VIII. and Section 7, Regulation XLIV. 1793, are of this class. So also are the village Zemindars in Talookdarees in Benares, mentioned

Vide paras. 118—112 of directions for settlement Officers.

in Clause 2nd, Section 17, Regulation II. 1795, and the parties in the Ceded and Conquered Provinces described in Section 12, Regulation XXX. 1803. In Clause 7, Section 15, Regulation VII. of 1799, and Clause 7, Section 32, Regulation XXVIII. 1803, tenants of this class are designated as dependant Talookdars or Zemindars, or the holders of tenures which, by the title-deeds or established usage of the country, are transferable by sale or otherwise. Clause 2, Section 10, Regulation III. 1822, contains special provisions for their protection at the time of settlement, and Act VIII. 1835 provides for the sale of their tenures in realization of a balance of rent.

10. It is evident that, unless the rights of this class of under-tenant be very carefully ascertained and protected, the peculiar features of their position will be lost sight of, and they will become confounded with other classes. There is much reason to believe that this has been extensively the case in Bengal, and was in progress in the Ceded and Conquered Provinces, till its further progress was arrested by the operation of Regulation VII. 1822.

11. The third class, or tenants at will, require no lengthened notice. Cultivators from other villages (Paheekasht Asamees) who temporarily cultivate certain fields are of this class; so too are the temporary occupants of the Seer lands of a Zemindar and cultivators of lower classes, who are entirely dependent on the Zemindars, and claim no rights but what he allows them.

See directions for settlement Officers, para. 129.

12. The Cultivators of the second, commonly called Mouroosee, Chuppurbund, Khoodkasht, &c. are those who in the words of Clause 7, Section 15, Regulation VII. of 1799, and Clause 7, Section 32, Regulation XXVIII. of 1803, have "a right of occupancy only so long as a certain rent, or a rent determinable on certain principles according to local rates or usages be paid." This right is not transferable, and it terminates in such lands as the tenant may from any cause cease to cultivate. There is no provision of the law which declares these rates unalterable. All the Clauses of the Regulations in which they are mentioned, (vide para. 134 of Directions of settlement)

See directions, &c. paras. 128 and 130—138.

See the provisions of the law set forth in Section 10, Chapter V. of Marshman's Guide to the Civil Regulations 2nd Ed. of 1848, p. 501 and seq.

describe them as altering with the circumstances of the purgunnahs. Rents in India, as every where else, are liable to variation according to the general economical principles which govern the relations between landlord and tenant. The only legal proviso is that in no particular instance should a rate be demanded in excess of that which is usual or established. The desideratum is an equitable mode of assessment. Section 6, Regulation IV. 1794, Clause 8, Section 15, Regulation VII. 1799, and Section 9, Regulation XXX. 1803, especially declare all disputes regarding rates cognizable by the Zillah Court, and in Regulation V. 1812, a course is prescribed according to which the demand is to be made, wherever a higher right is assumed than has formerly been paid.

13. In these Provinces, the settlement is of too late formation to admit of the establishment of any consistent course of judicial procedure in such cases, but in the Lower Provinces the process is well understood and of frequent occurrence. The class of cases is there sometimes called "Jumma Nishust." The principle to be observed in deciding them has been laid down by the Sudder Dewanny Adawlut in several cases.

See for instance MUSSAMUT DEB RANI, &c. *versus* RAM NARAIN NAGE. Decided March 24th, 1831, in page 102 of selected reports Vol. V.

14. There is nothing in the circumstance of Zillah Jounpore which renders it an exception to the operation of the above principles. Section 10, Regulation LI. 1795 is in full force, there as elsewhere throughout the province of Benares. It enjoins the observance of "established" rates, but by no means of fixed unvarying rates nor still less of fixed amounts. The account given in the first few Sections of Regulation LI. of 1795, regarding the proceedings of the Ameens specially appointed by Mr. J. Duncan to determine these rates and to promote the interchange of pottahs in conformity with them, shows how exceedingly difficult it was to effect this. The attempt utterly failed, and the legislature was obliged to content itself with the vague generalities of Section 10.

15. In the province of Benares, the proceedings under Sec-

tion 3, Regulation IX. of 1825, within the last few years ought to have determined the established rates which then existed, and would be sufficient guide for the Civil Courts for some time to come. The onus probandi would rest with the party pleading deviation from the established rate then declared, and this would not be easy till the fact become notorious. The verdict of an impartial punchyat is the best mode of deciding such disputes. It is the course enjoined upon Revenue Officers, and they are armed with the powers necessary to compel its observance, but the Civil Courts have not such powers, and they are compelled sometimes to decide such cases on the best evidence procurable. It is possible that the Civil Courts in their present practice are satisfied with evidence to this effect which the Collector may deem insufficient. Such differences of opinion will always exist among men of independent minds. If cases can be adduced where higher rates than those which are "established" have been exacted on insufficient grounds, they should be brought forward and examined. It is not enough to complain of the mere fact of enhancement.

16. If the Collector finds that the proceedings under Section 3, Regulation IX. 1825, have hitherto failed to determine the established rates, the remedy lies within his own reach. He should apply himself to supply the defect under the direction of his superiors in the Revenue Department. All well executed measures with this object would be gratefully acknowledged by the Civil Courts.

17. The question may be treated on a wider basis than that of mere law or Regulation. It is deserving of consideration whether it would be useful or expedient to amend the law. Supposing the rights of the first class of under-tenants to be adequately protected, would it be just and politic to declare any non-proprietary tenants entitled to cultivate the lands they occupy at rates fixed in perpetuity. The Lieutenant-Governor is strongly of opinion that such a measure would be unjust and impolitic. It would be unjust, because it would give to persons who are not full proprietors of the land, a privilege they have never hitherto possessed. It would be impolitic, because it would lessen the beneficial interest in the soil possessed by the full

proprietor, and would vest the power in an occupant who could not turn it to the best account from his inability to transfer it.

18. It has already been observed that in Bengal, Behar, and Orissa, much injustice is believed to have resulted from the present state of the law, because no effectual measures have been taken to protect the interest of those who were by right either full proprietors, or under-tenants of the first class. In Benares this has been less the case. It is believed that disputes regarding rights of occupancy, and rates, seldom occur except where the position of the tenants has been fixed by the operation of the existing revenue system. The clamour against extortion is generally raised by the old proprietors, or the cultivators deriving privileges from them, in estates sold by auction either on account of arrears of land revenue, or in execution of decrees. Such is apparently the case in the estates which form the subject of this correspondence.

19. In paras. 131—133 of the Directions for Settlement Officers, the effect of these two modes of sale on the condition of the former cultivating proprietors has been explained. The parties affected by the change are naturally slow to understand it, or to acknowledge its reality. Their opposition is in fact to the principle itself, and not to any unfair enforcement of the principle by the auction purchaser. Undoubtedly these purchases are opposed to the feelings of the people; they are often brought about by fraud and collusion; and it is no difficult matter for the suffering cultivators to enlist on their side the sympathy and good offices of many generous minds who are predisposed to espouse the cause of the weak against the strong, or of the poor against the rich. It is impossible now to draw back from the course which has been commenced in this respect, even if it were desirable to do so. The attempt would shake the basis on which much land has been transferred during the last half century. It only remains temperately to arbitrate between the parties whenever they appear in active opposition to each other. This duty the Collector is generally able to perform, if he possess the prudence and the patience which are essential to success.

20. The Board are requested to furnish the Commissioner and the Collector with a copy of this letter.

I am, &c.,
C. Allen.
Officiating Secretary to Government, N. W. P.

EXCISE AND CUSTOMS DUTIES IN THE PUNJAB.

No. 42, A.

To Sir Henry Elliot, K. C. B.
Secretary to Government of India,
With the Governor-General,
Simla.

Dated, Head Quarters, 25th July, 1849.

Sir,

I am desired to acknowledge the receipt of your letter, dated June 18th last, regarding the Excise and Custom duties in the Punjab, and to request you will lay before the Most Noble the Governor-General the annexed copy of a letter, dated the 29th ultimo, from the Commissioner of Customs in the Delhi division.

2. The Lieutenant-Governor proposes to consider the question discussed in the letter from the Board of Administration at Lahore simply in its bearing on the financial out-turn of the Customs Department, as now constituted in the North Western Provinces.

3. Duties are at present levied on the frontier line under Act XIV. 1843, as follows :—

Import Duty.

On Salt,......................	2 Rs. per Co.'s maund.
On cleaned Cotton, ...	8 As. ditto.
On uncleaned Cotton, ...	4 As. ditto.

Export Duty.

On refined Sugar,.............	8 As. per Co.'s maund.
On unrefined Saccharine produce,	3 As. per maund.

4. The portions of the line, which fall within the jurisdiction of the Kote-ka-poora and Jullundur Custom Houses, are those which bring under contribution the trade between the Punjab

and Hindoostan. It will be perceived from the memorandum in the margin, that the collections in those Custom Houses from sugar and cotton, are much less than the cost of the establishment, and that the duty on salt is the item which is alone remunerative. If therefore the Board of Administration can provide that the salt brought across the now existing line shall have paid to the State in the Punjab a duty of 2 rupees on the Company's maund, it will evidently be advantageous to abolish the lines as soon as it can be done with reference to existing pledges.

		1847–48.	1848–49.
Gross Collection.	Salt, ...	5,35,774	3,07,591
	Sugar, ...	45,895	58,147
	Cotton, ...	141	31
	Miscellaneous, ...	14,876	9,630
	Total, ...	5,96,686	3,75,399
Charges, ...		1,80,822	1,68,583
Nett Collections, ...		4,15,864	2,06,816

5. It is not stated in the Board's letter on what conditions the salt mines were leased under the old Lahore Government previous to October 1st, 1847, but on that date a farm was obtained of the mines with leave to sell at 2 rupees the Punjabee maund of 96 tolahs, or 1.10⅔ the Company's maund of 80 tolahs,—the latter being 5-6th of the former. It is now proposed to hold the mines Kham, and that the Government shall sell at a uniform price of Rs. 2-8 the maund, though it is not very clear whether the Punjabee or the Company's maund is intended.

6. There is a great difference in the levy of a Customs duty when a change is made from the farming system to one of direct Government management and sale at a fixed price. The farmer can only be prohibited from selling above a certain fixed price. He may sell as much below this as he pleases, and it is evident that he will sell so much below as will yield him the largest profit according to the state of the market at the time. The Government on the other hand sells at a fixed price calculated to yield a certain Customs Revenue, and immediately

exposes itself to the most active competition from other salts. No analogy therefore can be drawn from the past, as to the effect of the new system in promoting the consumption of untaxed salt.

7. It is said that the maximum selling price under the old Lahore Government was 1-8 the Punjabee maund. This was raised on October 1st, 1847, to 2 rupees, the Punjabee maund; and it is now proposed to raise it again to 2-8 the Punjabee or Company's maund. Let us assume these to have been the actual selling prices, and that the cost of bringing the salt into the market was 3* annas the Company's maund as stated in Appendix, No. 8 of the Board's letter; though as they justly surmise in para. 43 the cost to the British Government is likely at first to exceed that amount. We shall then have an increasing scale of duty as per margin.† It may be well doubted whether the farmers ever attempted to raise the full amount of the two former rates of duty, and the difficulty of raising either of the two latter will be very great. It may also be remarked that the experiment of selling at rupees 2 has scarcely been tried at all; that as far as it was tried it failed (v. para. 23); and that the proposed measure will in fact nearly double the rate of duty, supposing the farmers under the first system to have realized the full amount.

† Period.	Selling Price.		Deduct cost of production.	Remains as duty.	Per centage on cost.
	Punjabee maunds.	Co.'s maunds.			
Before Oct. 1st, 1847,	1.8	1.4	0.3	1.1	666
After Oct. 1st, 1847,	2.0	1.10$\frac{2}{3}$	0.3	1.7$\frac{2}{3}$	888
Proposed, ...	2.8	2.1$\frac{1}{3}$	0.3	1.14$\frac{1}{3}$	1111
or	0.0	2.8	0.3	2.5	1333

8. Untaxed salt is likely to find its way into the market from two sources, viz. by importation from Rajpootanah or Scinde, and by illicit manufacture within the limits of the Punjab.

* About half of this sum is the cost of Office and Preventive establishment. The actual cost of excavating the salt and bringing to the depôt at Rammuggur was less than 1$\frac{1}{2}$ as. the Company's maund. If we suppose a duty of 2 Rs. to be levied on this, the rate will be 2133 per cent. It would be well to enquire at what cost the Pak Puttun and Mooltan salts are produced.

9. The Board of Administration do not allude to the first of these sources of supply. It is very probable that it escaped their notice, because the Lahore rock salt is more generally liked in the Punjab, and because the farmers found it their interest under the old system to adjust their demand of duty so as to keep out the foreign salts, except perhaps on the immediate frontier. But under the new system now proposed a rigorous excise duty of about 2 rupees per Company's maund is to be levied on all the Lahore salt, and this will materially raise the price and tend to bring foreign salts into the market.

10. It appears that Rajpootanah salt sells at Sirsa beyond the line for 30 or 35 seers the rupee, i. e. from about 1 rupee 3 annas to 1 rupee 5 annas the maund. A glance at the map which accompanies Mr. Smith's letter, Appendix No. 2, will shew that salt from the Philodee and Deedwanah lakes, if not from the Sambur and Puchbuddra lakes, will find their way into the Punjab by as short a route as to Sirsa, and probably at the same cost. They will therefore enter largely into competition with the highly taxed salt of the Punjab, and some extension of the preventive line will evidently be necessary to prevent it being turned at Mullote beyond Sirsa, where it joins the portion of the line now under the Kote-ka-poora Custom House.

V. para. 5 of Mr. Smith's letter of June 29th. In para. 39 the Board mention the price of salt in the Punjab to be then 16 or 17 seers (apparently Punjabee) the rupee. This is equivalent to about 2 rupees the Company's maund.

11. No information whatever is possessed respecting the Scinde salts, regarding the abundance of which in the southern parts of the province a great deal appeared some time ago in the public prints.

12. It is a mistake to suppose that the Lahore rock salt is universally admitted to be far superior to all other salts. The Rajpootanah salts are remarkably pure and well-flavored, and are preferred by a large class of consumers. The natives of Hindoostan are fanciful about salt, and fashion and habit very much regulate the public taste. The European rock salts are well known to have driven the Lahore salts out of the market in Benares and all the central provinces of Gangetic India.

13. It hence occurs to the Lieutenant-Governor, that it will

be necessary to establish a preventive line down the Sutlej, from the point where the North Western line rests on that river as far at least as Mitenkote, or so as to turn off conveniently in that direction to the Indus.

14. The other source, from which the introduction of untaxed salt may be apprehended, is from illicit manufacture in the Punjab. The Board of Administration themselves say (para. 40), "that the soil in the Punjab in many places is strongly impregnated with saline matter, from which bay salt is produced by evaporation. That it can be manufactured in the wild parts of the country with little chance of detection, and that much is now made near Pak Puttun and Mooltan." They say further in para. 41, that "the salt range itself presents many facilities for pilfering." Dr. Fleming, in his report on the salt range printed in the Journal of the Asiatic Society, describes the whole range as producing salt, and mentions in p. 4, that the rocks in many places "are incrusted with a saline efflorescence which, by solution in the water which flows down from the valleys, renders it a perfect brine."

15. When we remember that it is proposed to levy a duty of two rupees on an article which can be produced for 3 annas or 1½ annas, i. e. a duty exceeding 1,000 per cent., it is very evident that an expensive and very energetic establishment, and severe penal enactments, will be required to keep down the illicit manufacture.

16. The Lieutenant-Governor from the above considerations is led to conclude that it will not be sufficient to levy an excise duty of 2 rupees on salt at the mines, and to do away with all duties of Customs, if it is designed to exclude from the consumption all untaxed salt. For this purpose, it will be necessary, supposing the system of Government management and sale at the mines at a fixed price to be maintained, to declare the sale of salt in the Punjab to be a Government monopoly, and to maintain very strong establishments to prevent smuggling from the mines or the introduction of foreign salts, and to ensure the suppression of all manufacture except at the mines.

17. Till this is understood and accomplished, some hesitation must be felt as to the expediency of abolishing the Kote

ka-poora and Jullundur portion of the North Western Frontier line, however desirable it certainly is to remove all restrictions on free intercourse between two integral portions of the same empire.

18. In determining the question it must be remembered that the North Western Frontier line is for the prevention of smuggling as well as for the levy of duty. These portions of the line prevent the importation of untaxed Rajpootanah salts, as well as ensure payment of a duty on the Punjab salt. If as is proposed, all duties of Customs be abolished in the Punjab, the Rajpootanah salts will find their way into Hindoostan round the Sirsa portion of the line, unless that line be prolonged southward along the Sutlej, so as to shut them out. The great change which it is now proposed to effect in the Punjab must be considered in all its bearings. Evidently the value of a portion of a long preventive line cannot be fairly estimated by the amount of duty levied upon that portion.

19. It may also be remarked that the Board over-rate the effect of the line as impeding commerce in untaxed articles. Every exertion is made to check extortion on the part of the Custom Officers, and it is believed that those efforts are generally successful. In many portions of the line the Customs establishment are valuable as a police force in affording security to travellers along the public roads.

20. In paras. 34, 37, and 47, the Board of Administration anticipate that on the proposed plan the Punjab salt will greatly supplant the salts now consumed in the North Western Provinces, and they look upon the consequent increased consumption of Punjab salt, as yielding a correspondent additional income. But supposing this to be the case, it will only be the substitution of one for the other of two equally taxed salts, so that the State will gain nothing by the change.

21. In discussing the question Mr. Smith, the Commissioner of Customs, has made two other proposals which deserve notice.

22. Mr. Smith advocates the raising of the duty from 2 rupees to rupees 2-8-0 a maund, on all salts imported into the North Western Provinces, and the abolition of the special salt duty line which runs past

See paras. 10—13.

Allahabad, for levying the additional 8 annas on all salt passing westward of that city, where the duty is now 2 rupees 8 annas the maund.

23. The cost price of salt along a great portion of the line, say from Delhi to the mouth of the Chumbul, is about 4 annas a maund, on which a duty of 2 rupees or 800 per cent. is levied. This is very high, but the proposed measure would raise the duty to 1,000 per cent. on the cost price of the article. The Lieutenant-Governor is not prepared to recommend a measure of this nature.

24. Mr. Smith further recommends that the direction of the North West Frontier line be changed beyond Hansi, so as to pass by Futtehabad, Batinda, and Kote-ka-poora, direct to Ferozepore, instead of making a circuit, as at present, through the Bhutty territory by Mullote. There is no doubt that the present line is very insecure, and that the proposed line is much shorter and passes through a country which can be more easily guarded. But the greatest portion of the line lies out of our own territory and passes through that of the Maharajah of Putteealah, who might not approve of the measure; though, as Col. Mackeson seems to suppose, he would not strongly oppose it. If also a preventive line is to be formed down the Sutlej, the right direction would be to Fazilka in the Purgunnah of Wuttoo on the Sutlej, and not near Ferozepore.

See para. 30.

25. In paras. 23—29, Mr. Smith has given reasons for supposing the profits of the late farmer to have been much larger than the Board of Administration state. Of this the Lieutenant-Governor is quite unable to form an opinion; but there seems little doubt that depôts of cheap salt have been formed all along the Punjab side of the North Western Frontier line, with the intention of selling it at a large profit when the line may be removed. The success of this speculation may be doubted, but the possibility or otherwise of its success should not influence the determination of the question now before the Government. Under any circumstances, whatever be the amount of duty levied, the earliest opportunity should be seized of terminating the farmer's lease, and of taking the mines under the direct

management of the Government, if this has not already been done.

26. The Lieutenant-Governor would wish the opinions contained in this letter to be taken into consideration by the Board of Administration, before the proposed notice is given of the intention to abandon the Kote-ka-poora and Jullundur portions of the line.

I have the honor to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.

MINUTE.

1. The annexation of the Punjab will render considerable modification in our Customs system desirable.

2. The inhabitants of the Punjab pay now a tax of about R. 1-12 per maund on their salt besides duty on other articles.

1 rupee 11 annas, vide 20th para. of Lahore Board's report of 1st June, 1849.

3. Those who reside between the Beas and the Jumna north of our line pay 3-12 on all rock salt, and 2 on other kinds.

4. East of the Jumna the tax is 2 rupees as far as Allahabad. Below that point all salt consumed whether from the Western Provinces, Bengal, or England is taxed at 2-12* per maund.

* Since reduced to 2-8.

5. There is no reason why all should not pay the same tax, but if there is to be a distinction, good reasons might be assigned why those who now pay *most* should pay the *least*.

6. Government were pledged (vide notification, dated 31st March, 1847), to make no alteration in the duty for three years. That period has just expired, and I think the opportunity a good one for revising it.

Notification of 31st March reduces rate from 2-12 to 2-8 per maund.

7. I would propose that the salt duty throughout the country should be equalized, and the machinery for collecting it made as simple as possible.

8. The present is not a time for making any reduction in the rate of duty. I shall therefore assume that for the present the Bengal rate of Rs. 2-12* per maund will be adhered to.

* 2-8 vide above note.

9. As there are great facilities for collecting any amount of duty on Lahore salt at the mines, I presume an establishment will be formed for that purpose, and I would hope that no other article will be taxed in the Punjab.

10. If the principle I advocate of having the duty on salt equalized is admitted, the necessity of keeping up any second line for taxing Lahore salt will be done away with, as the same duty will be collected at the mines as is collected in Bengal and on our North West Frontier lines.

11. This will render the retention of the Jullundur and Kote-ka-poora lines unnecessary, and make establishments that cost near two lacs of rupees a year available for employment elsewhere.

12. I would propose that these establishments should be distributed as follows:—a portion to be sent under an active Officer to collect the duties on Lahore salt at the mines; a second portion to be employed in connecting the Sirsa line with the Sutlej at Fazilka;‡ and the third portion to be posted on the right bank of the Sutlej, to protect the eastern boundary of the Sikh States from the passage of untaxed western salts, for which object it might be necessary to carry a chain of posts as far as Mithinkote.

‡ Or Ferozepore, provided the authority of the Putteeala Rajah can be obtained for our taking the line through his territory.

Other arrangements on the Indus river may be necessary to keep out the Scinde salt of which I have not sufficient information.

13. The next measure to be adopted would be to abolish the special salt line below Allahabad, the function of which would be superseded by our collecting the full rate on our North West Frontier.

14. This would reduce the collections of the Mirzapore division to about five or six lacs of rupees a year, and the question would then arise as to what portion of the controlling establishment, viz. one Collector and four Deputies could be dispensed with.

15. The annexed sketch maps will shew the alterations I propose making, and the tabular statement the probable financial result.

16. I see no difficulty whatever in carrying out the measures proposed and feel convinced that the result would be attended with advantage to the people and benefit to the state.

G. H. SMITH,
Commissioner.

Memorandum showing the gain and loss that would result from equalizing the duty on salt by raising the tax to 2 *rupees* 8 *annas per maund, from the abolition of Jullundur and Kote Kupoora Customs Houses, and the Allahabad special salt duty line, and from placing the Sirsa line on the same footing as other portions of the line and extending it to Fazilka.*

GAIN.		LOSS.	
1st Additional revenue to be collected from the enhancement of the salt tax taking the quantity imported at the average of the past two years, i. e. maunds 23,15,270, ...	11,57,635	1st Sugar and cotton duties collected at the Jullundur and Kote-ka-poora Customs Houses to be given up, ..	34,894
2nd Cost of the Establishment of the Jullundur and Kote-ka-poora Customs Houses abolished, ...	1,80,822	2nd Special salt duty now collected at Allahabad and which would be realized on the Frontier line,....... ..	4,50,000
3rd Ditto of the Allahabad special salt duty line as now sanctioned, ...	46,242	3rd Cost of strengthening and extending the Sirsa line, ...	43,000
Total Gain,..	13,84,699	Total Loss, .	5,27,894
		Nett Annual Gain,........	8,56,805

G. H. SMITH,
Commissioner.

KHOOD KASHT ASAMEE.

No. 33.

To W. Muir, Esquire,
Secretary Sudder Board of Revenue,
North Western Provinces,
Agra.

Dated, Agra, the 4th January, 1849.

SIR,

I am desired to acknowledge the receipt of your letter, dated the 5th ultimo, No. 622, soliciting the decision of Government regarding the course to be followed in ousting a Khood Kasht Asamee from his lands under the terms of Clause 5, Section 18, Regulation VIII. 1819.

2. The Lieutenant-Governor desires me to observe, that there is an evident distinction between the cases contemplated in Clauses 4 and 5 of the above Regulation. In the case of a person possessing any "lease, farm or other limited interest intermediate between the plaintiff and the actual cultivator," the plaintiff on obtaining a decree in a summary suit "shall be at liberty to cancel the lease of his own authority."

3. In the case, however, of "a Khood Kasht ryot or other actual cultivator of the soil, the plaintiff shall be authorized by the Court to make such new arrangements as he may judge proper for the future management of the lands in question, if the amount adjudged to be due shall not be immediately paid into Court."

4. The way in which this distinction is stated shows that some greater indulgence is designed in the latter case than in the former, and that on the Court is devolved the duty of securing this indulgence to the defendant. This indulgence may fairly be held to be the opportunity of paying up the sum adjudged within a reasonable time on demand subsequent to adjudication.

5. In ordinary course, as is evidently in the contemplation of the law, no formal suing out of execution of the decree is contemplated. The process is essentially summary in all its parts. The defendant is arrested on the complaint of the land-

lord, and brought up under arrest. The case having been heard, if judgment is given against the defendant, he is expected to pay down the amount, within a reasonable period; and if he fail to do this, he is considered to have forfeited his tenure.

6. In modern practice, however, the defendant is seldom arrested in the first instance; the plaintiff is generally satisfied with entering up judgment against the defendant, and does not sue out execution till some time after. Formal application to the Court and renewed demand on the defendant are then of course necessary, and a reasonable delay must be allowed, the duration of which must depend on the condition in life of the defendant, the distance of his residence, &c. &c. In this event the time that passed between adjudication and suing out execution must be held to have lapsed by the act of the plaintiff, and when the demand is ultimately made the defendant is entitled to the same indulgence that he could have claimed, if it had been made immediately on adjudication.

7. In the case of Mooktaalee which forms the subject of the correspondence forwarded with your letter, it appears that the decree against the defendant was passed on February 4th, 1847, that execution was sued out on April 7th, and application simultaneously made for ouster of the defendant. The order authorised immediate ejectment, whereas it ought to have made the ejectment contingent on non-payment of the demand. The demand was made on 21st, and the amount paid in by the defendant's security on the following day. The requisition of the law appears therefore to have been fulfilled, and the ejectment of the defendant to have been unnecessary.

V. Collector's letter of October 25th, 1848.

I am, &c.

C. ALLEN,

Secretary to Government.

REPAIRS TO THE GRAND TRUNK ROAD.

No.

To the Military Board,
Calcutta.

Dated, Head Quarters, 28th Sept., 1849.

GENTLEMEN,

GENERAL DEPARTMENT. I am desired to acknowledge the receipt of your letter, dated August 21st last, forwarding a copy of your Circular of June 29th last.

2. The Lieutenant-Governor cannot admit that the Circular sufficiently provides for the object he wishes to see effected. It is necessary to provide that upon a long line of road repairs of the simplest nature, the precise extent of which cannot be foreseen till the time for executing them arrives, be promptly completed, so as to give least labour to the Officers entrusted with the works, and yet to keep the expenditure under proper control.

3. *First.*—Applications in part assignments for such repairs as may be urgent are to be made in August, and submitted to your Board on September 1st. These applications can only be based on the experience of former years, as the extent of repair necessary in the coming season must be unknown in August. It is a calculation which your Board can as well make as the Executive Officer. The data for making it, i. e. the cost of repairs up to the close of the preceding season, ought to be in your Board's Office before August. The application is therefore unnecessary, and occasions the risk of delay. Your Board in or before August might of their own proper motion fix the amount to be drawn in advance for the purpose.

4. *Secondly.*—Within two months after the close of the rains on October 15th, detailed estimates of the required repairs are to be submitted to your Board. Within those two months the repairs ought to be completed. The estimate may be the best form for showing the grounds on which the charge is made, but as the works ought to be finished when it is sent in, a simple note to that effect should be sufficient to make it answer the purposes of a bill. Petty repairs where they may be needed

cannot strictly be estimated for before commencement of the work, and charged for in bills compiled subsequently to completion. Your Board may require such forms and they will be given, but they are an illusion, made up and trimmed to suit the prescribed rules. Requisitions of this sort, unadapted to the peculiar features of the case, encourage deception in those who furnish them, and create a groundless confidence on the part of those who receive them.

5. *Thirdly.*—The bills for the repairs actually made are to be submitted before the next year's estimate. As the bills for the current year should be ready within two months after October 15th, i. e. within the time fixed for the estimates, the preparation of both is useless.

6. Hence it appears to the Lieutenant-Governor that your Board, in this particular class of cases, require the submission of three separate applications, each passing through three different stages, viz. the Executive Officer, the Superintending Engineer, and your Board, both coming and going, where one application alone is necessary, and can be of any real use.

7. If the amount to be advanced on the repairs were fixed beforehand by your Board, it would only be necessary that the estimates or bills be sent up and passed. This would require four letters and six perusals (taking your Board's receipt and reply as two perusals,) instead of at least twelve letters and eighteen perusals, exclusive of all references to Government.

8. The Lieutenant-Governor considers your Board's rule only with reference to the one class of urgent cases which he placed before them. He does not advert to its adoption to other cases, which apparently are grouped with it in the Circular under consideration, such as annual repairs based upon survey reports, &c.

9. Copies of letters this day addressed to the Executive Officers on the Agra and Bombay road are forwarded for the Board's information.

I have, &c.,

J. THORNTON,

Secretary to Government, N. W. P.

SUGGESTIONS ON CERTAIN DRAFT ACTS.

No. of 1850.

To. W. Grey, Esquire,
Officiating Secretary to the Govt. of India,
Home Department,
Fort William.

Dated, Head Quarters, the 14th February, 1850.

SIR,

JUDICIAL DEPARTMENT. I am directed by the Hon'ble the Lieutenant-Governor to acknowledge the receipt of your letter, No. 732, dated 26th October, 1849, forwarding for such observations as might suggest themselves three Draft Acts as per margin.*

* An Act for trial by Jury.
An Act for abolishing exemption from the jurisdiction of the East India Company's Criminal Courts.
An Act for declaring the law as to the privilege of Her Majesty's European subjects.

2. The opinions of the Judges of the Court of Nizamut Adawlut, North Western Provinces, upon these Drafts are contained in their Register's letters to my address, dated 27th November and 20th December, 1849, copies of which with their respective enclosures are herewith forwarded.

3. As regards the Act for trial by Jury, the Lieutenant-Governor does not consider it suited to the state of the people in these provinces, and cannot recommend its adoption. Still less can he concur in the recommendation of the Court,† that this form of trial should be obligatory and generally adopted.

† See para. 3 of Register's letter, dated 27th November.

4. The people of these provinces are deficient in the independence of character, the honesty of purpose, and the intelligence, which are necessary for the efficient working of such a system.

5. There is reason to suppose that few persons would under the Act claim trial by Jury. Englishmen, if made subject to the local criminal trials, would be disposed to claim trial in this form; but they would be disappointed when they found the Jury composed almost entirely of natives, as will necessarily be the case under the provisions of the Draft. Natives of the country

who might advance the claim, would generally do so with the expectation of unduly influencing the Jury, either by corruption, intimidation, or by addressing their prejudices. In the numerous class of criminal trials, which arise out of religious differences between Mahomedans and Hindoos, it would be very improbable that an impartial Jury would be convened.

6. By the Jurors themselves, the liability to serve would be regarded as an intolerable burthen. The list of exemptions in Section 4 proves this, for it comprehends all classes whose time is of any value to the state, even Post Masters and Government School Masters. The list of exemptions is framed so as to render admission upon it an enviable distinction.

7. The rich and intelligent will be averse to the duty, because it will infringe on their leisure and disturb their ease, and because, constituted as our Courts now are, it is impossible to secure them that consideration and courtesy, either from the presiding Judge, or the people at large, which is necessary to render tolerable the gratuitous discharge of a responsible public duty.

8. The poor will be peculiarly averse to the duty, because they can still less spare the time than the rich, and because they will fear the resentment of those against whom they may find a verdict.

9. If the prisoner who is committed for trial fail to claim the benefits of the Act, the Judge will then have to conduct the proceedings, unaided or unchecked by the Futwa of a Mooftee, or by the opinion of a Jury, Assessors, or Punchayet. Whatever benefit is derived from the expression of some other opinion than that of the Judges on the merits of the case will, in many cases, be lost.

10. There is no doubt that the provisions of Sections 4, 5, and 6, Regulation VI. 1832, of the Bengal Code have not given general satisfaction, nor effected all the good that can be desired. But this is probably owing to the innate difficulties of the case, and failure is likely to be more signal, if further restrictions be placed on the discretion of the Judge, and he is compelled only in certain cases to have recourse to a Jury summoned under the provisions of the Act.

11. Whenever, under the present system, the presiding Judge, actuated by a sincere desire to elicit the truth, avails himself with patience, temper, and discretion, of the means placed at his disposal by Regulation VI. 1832, great benefit results. That benefit will be lessened under the proposed Act, because he will either be altogether deprived of this agency, or he will have to call it into operation under circumstances, or in a mode, which he considers inexpedient. But, whenever the Judge is deficient in any of the above qualities (and this will be sometimes the case), the Jury will be useless as a check, and may become the most grievous instrument of injustice and oppression. There is nothing which a respectable native would more dread than to be dragged into Court as a Juryman, before an inconsiderate Judge. He would resort to any shift or make any sacrifice to avoid such a liability.

12. The time has not yet come, when public opinion exercises such influence over Judges as to ensure their always maintaining that demeanour which is essential to the successful working of the scheme, and which all authoritative rules are utterly unable to provide. Every man's experience will point to persons holding judicial appointments, who, though high-minded, honorable, and very useful, public servants, are yet disqualified by some defect of temper from beneficially using the power entrusted to them by this Act. Native Jurors would patiently bear, but acutely feel, discourtesies or offences, though even unintentionally committed. They would show no resentment, but the dislike to our Courts would be deeper seated and more generally felt even than it now is. Irreproachable conduct, and high respectability, would cease to secure exemption from the annoyances attendant on our system.

13. If the proposed Act be intended as an adjunct to that which renders European British subjects liable to the jurisdiction of the Company's Criminal Courts, it may be apprehended that it will fail to lessen the objections to that measure. The defects of trial by Jury even in the British Islands begin to be felt and acknowledged. In this country they would be still more glaring. The mode of trial, which would be established by the Draft Act, is but in name "Trial by Jury." It differs so

materially from the British Institution which is so denominated, that the one cannot stand in the place of the other. Few Englishmen would consider it a privilege that the issue of their trial should depend on the verdict of five Jurors chosen under the Act, rather than on the opinion of an English gentleman of similar feelings with themselves. It is precisely in such trials, that the provisions of Regulation VI. 1832 would be best called into operation, but these would be no longer available. There is little danger that a European British subject will be unfairly condemned before a Company's Criminal Court. Trials of the sort will be very unusual in these provinces. When they do occur, they will be so remarkable that conviction will not take place except on the clearest proof. The Judges are far more likely to shrink from the fearless discharge of their proper duty, than to strain facts so as to bear too hardly on the prisoner.

14. The remaining two drafts, received with the letter under acknowledgment, appear to require little remark from the Lieutenant-Governor. He fully concurs in the justice and expediency of altering the present state of the law, as regards the trial of European British subjects for felonious offences; and it was his intention, if these drafts had not appeared, to have brought the subject before the Legislature in connection with the case of Barber, lately sent down from Meerut to Calcutta to be tried on a charge of forgery. His Honour is also clearly of opinion that any remaining privileges or exemptions, which persons of the above class may be entitled to claim, should only be conceded when the party accused shall have pleaded and established his title to the same.

15. The Lieutenant-Governor does not think it necessary to express an opinion on the question argued in para. 10 of the Register's letter, dated 27th November, viz. whether Europeans shall be subjected in this country to penal sentences for acts which would involve no such severe penalty, if committed in England. The concluding observations contained in that para. deserve attention, and His Honour would recommend that a Clause be inserted in the Act, empowering Government to

exempt any persons on political grounds from the usual jurisdiction of the Criminal Courts.

16. The Lieutenant-Governor understands, Section 6 of the "Act for abolishing exemption, &c." to be intended to include all persons vested with magisterial powers, including Assistants of all grades. If so, the wording seems unobjectionable, and that proposed in para. 11 of the Register's letter would be less applicable.

17. With reference to the concluding para. of the Register's letter, dated 27th November and to his letter of the 20th December with its enclosure, I am directed to observe that some more explicit definition of the class of persons to whom these two latter drafts apply, appears to be much required. The Lieutenant-Governor cannot agree with Messrs. Lushington and Robinson that the fact of legitimacy or otherwise can or should be held to be irrelevant to the question, but he leaves the mode in which the existing ambiguity should be remedied to the consideration of the Legislative Council.

I have the honor to be, &c.,

J. THORNTON,

Secretary to Government, N. W. P.

OPINION ON ACT FOR THE IMPROVEMENT OF TOWNS.

No. of 1850.

To W. Grey, Esquire,
Officiating Secretary to Government of India,
Home Department,
Fort William.

Dated, Head Quarters, 16*th February,* 1850.

SIR,

I am directed to acknowledge the receipt of your letter of August 11th last, regarding the Draft of an Act "to enable improvements to be made in towns."

2. The Lieutenant-Governor considered this to be a subject on which it was desirable to obtain the opinions of the Local

Commissioners, as well as of the Nizamut Adawlut. Copies of their letters are annexed. Attention is particularly requested to the letter of Mr. F. H. Robinson, the Commissioner of Agra.

3. There can be no doubt of the necessity of some provision for the improvement of towns. They are generally ill-drained and imperfectly ventilated, and they are poorly supplied with good thoroughfares, with water, with light, with market-places, and with those numerous conveniences which promote health, and are conducive to comfort in large towns, where many people are assembled together. At the same time, the natives of this country are remarkably insensible to these inconveniences, and unwilling to exercise any self-denial in order to remove them. Any measures designed to supply these wants are moreover peculiarly liable to interfere with many of the feelings and prejudices of the people, which it is difficult for us accurately to appreciate. On these accounts it is most desirable to carry the people with us, and to secure their co-operation in any steps that may be taken for municipal improvement.

4. The funds appropriate for the desired purpose once existed. The town duties were cheerfully paid, and were amply productive. With some alterations in the articles taxed and the mode of levy, the objections, which necessarily attach to this mode of taxation, might have been considerably reduced. In an evil hour, they were swept away without the provision of an equivalent. The good of the people would have been more consulted if the tax had been maintained, and the proceeds devoted to their use. The Chowkeedaree tax might then have been abolished, and the people would have been grateful.

5. The efforts already made for local taxation in support of local institutions have not been successful. Almost the only serious riots, which have occurred since our acquisition of the country, have been occasioned by the Chowkeedaree tax. Its imposition is certainly now the most unpopular of all our measures.

6. Local representation, or the machinery of an elective Council, is little understood or appreciated by the people. If the Office is paid, it will be looked to as a livelihood, and sought by all the questionable means ordinarily adopted for the attainment

of a lucrative post. If it is not paid, it will be considered a burthen, and, if undertaken at all, will only be so from some other motive, perhaps not in itself the most reputable. It will please the Magistrate; it will enable the successful candidates to favour in the assessment themselves or their friends; it will lead to the attainment of some other desired end. It will never be undertaken from disinterested or public-spirited motives.

7. This is amply shown by the working of the present Chowkeedaree tax. The Committees appointed under Regulations XXII. of 1816 and XV. of 1837, are frequently useful in aiding a zealous Magistrate. If well-managed they are capable of rendering all the valuable assistance, which their local influence and position amongst their countrymen conveys upon them. But they are utterly useless if left to themselves, or if they are expected to act as a counterpoise to the whims, or eccentricities, or arbitrary acts, of an ill-judging public Officer.

8. The Lieutenant-Governor cannot therefore recommend the adoption of the proposed Act, which calls into operation a new machinery for the imposition of a fresh tax for a purpose which, however needful in itself, is little appreciated by the people. He would anticipate much inconvenience from the enactment of the law, because it will give rise to apprehension even if not actually enforced. Many attempts will be made to bring it into operation; and the local Government, misled by the representations of the local authorities, may be hurried into its enforcement under circumstances from which it may not be easy creditably to withdraw. The people of this country, however forewarned, seldom remonstrate against a measure of this sort till they feel its operation, and then their opposition is likely to be violent and illegal.

9. If it be determined to provide in this way for the improvement of towns, the Lieutenant-Governor concurs in the opinion, expressed in paras. 14—16 of Mr. Robinson's letter of October 13th last, that it will be better to do so by an extension of the powers entrusted to the Punchayet under Regulation XV. of 1837. This would effect the purpose quite as effectually and less ostentatiously than any other measure. Section 3, Regulation XXII. of 1816, should at the same time be modified, so as

to authorize the local Governments to extend the provisions of the Regulation to other large towns, besides those specified in that Section.

10. The proposed Act does not appear to contemplate the raising of funds except by direct taxation. This is a process of which the people of the country are very impatient, unless the demand is sanctioned by long established usage. Hence the extreme unpopularity of the Chowkeedaree tax, inconsiderable as its amount. Indirect taxation they will patiently endure to an enormous extent. A duty of 800 per cent. upon salt does not produce a murmur.

11. If then it is desired to raise funds for municipal purposes in the mode least offensive to the people, this may be best effected by the cautious revival of town duties. This at least might be one of the methods of self-taxation left to the discretion of the Commissioners appointed under the Act. It is the usage in almost all cities on the Continent; it is the usage in the city of London itself, which could not have had its bridges, and many of its most splendid monuments, without taxing the importation of its coals. There is no reason why, in the indiscriminate zeal for freedom of trade, the people of this country should be precluded from raising their own funds in a mode to which they have little objection, and which is practised by other freer and more civilized nations than themselves. If it is intended to sanction this mode of taxation, the object may be attained by some modification of the wording of Clause 3, Section 7, of the proposed Act.

I have the honor to be, &c.,

J. Thornton,

Secretary to Government, N. W. P.

SHAHJEHANPORE DISPENSARY.

CONTRIBUTIONS RAISED BY PUBLIC FUNCTIONARIES.

To W. Muir, Esquire,
Secretary to Sudder Board of Revenue,
North Western Provinces.

Dated, Head Quarters, the 30*th April,* 1850.

SIR,

REVENUE DEPARTMENT, No. 221.

I am desired to acknowledge the receipt of your letter, dated 12th ultimo, regarding certain subscriptions in the Shahjehanpore district towards the erection of a public dispensary.

2. The Lieutenant-Governor finds himself unable entirely to concur in the view which the Sudder Board of Revenue have taken of the case of Kishore Sah, resident of the town of Shahjehanpore.

3. Mr. Barnes' account of the manner in which Kishore Sah offered to contribute 200 Rs. to the dispensary at Shahjehanpore is perfectly natural, and cannot be questioned. Of the amount thus voluntarily promised it appears that he voluntarily paid to the Tuhseeldar who collected the money, 40 rupees in September 1848 and 120 in February 1849, leaving 40 rupees still due. It was not till he got angry on account of an increase of the Chowkeedaree tax in July that he refused to pay the remainder, declared the former payments to have been enforced, and demanded a refund. The case was enquired into, and he failed to prove the enforced payment. Kishore Sah was a merchant of the town, not a Malgoozar; he had no official connection with the Tuhseeldar; no legal process whatever had been used to enforce payment. He could not therefore claim a refund; and there is no ground for ordering a refund, when he appealed to higher authority. This was the view of the case which occurred to the Lieutenant-Governor, when he made enquiry about the case on a petition privately preferred by Kishore Sah, (v. para. 14 of Mr. Buller's letter of February 25th, 1850,) and he sees full grounds for retaining that opinion in the present correspondence.

V. Mr. Barnes' letter of January 4th, 1850.

4. Nor can the Lieutenant-Governor perceive that in the proceedings regarding the Tuhseeldarry subscriptions as reported in paras. 8—10 of Mr. Buller's letter of February 25th, 1850, there are any grounds for believing that official means were adopted for obtaining subscriptions from the Zemindars, or for collecting the sums subscribed for.

5. The premises therefore on which the proposed Circular rests would not appear to be supported by the facts. No one questions the impropriety of using official means for such purposes, but when there is no proof that such means have been used there seems no necessity for prohibiting the practice.

6. There can be no doubt that, in all large cities where the local authorities show a laudable zeal in promoting public improvements and a conciliating disposition to the people, large sums are contributed by the people for local edifices or embellishments. Numerous instances of this nature are well known to have occurred in Benares, Mirzapore, Agra, Muttra, Delhi, Barreilly, Ajmere, and many other places. Such works are the most gratifying indications of the increasing public spirit of the people, and of the confidence with which they avail themselves of the agency of the Officers of Government to give effect to their laudable designs. Officers of Government of all grades are the persons to whom the subscriptions are offered and by whom they are collected, but there is no reason to object to the practice; on many accounts it is deserving of every encouragement. The Lieutenant-Governor is reluctant, by a public announcement of the nature now proposed, to discourage those whom he considers entitled to high praise.

7. It is true that, amongst a people whose moral courage is small, and whose standard of morality is low, such contributions are often made from interested motives, and perhaps regarded as douceurs to propitiate those in authority. The real motives for charitable or public spirited actions even amongst a freer and more intellectual people will not bear the test of rigid examination. But still the remedy does not lie in the prohibition, or even the discouragement, of such subscriptions.

8. Great discretion should be used in raising subscriptions of the sort, the necessity of which is shown by the very simpli-

city with which the subscribers mention their motives. Kishore Sah wishes for a refund of his money because he was not favored in the assessment for the Chowkeedaree tax, and Munnoo Lall of Burgawan wonders that a case was given against him notwithstanding his public spirit in building a bridge, (v. para. 6 of Commissioner's letter.)

9. The Lieutenant-Governor cannot admit that any want of discretion has been shown by the Local Officers, Mr. Buller and Mr. J. Barnes, in these proceedings, and the Commissioner after careful investigation entirely acquits them of any blame. It is well known that they have exerted themselves with great spirit for the improvement of the town and district of Shahjehanpore, and that they have set the example of liberality by contributions to public purposes from their own private resources. For this they deserve great commendation.

10. The Lieutenant-Governor however agrees with the Senior Member in para. 6 of his letter, that "the money should be restored" to those who repent of their liberality, and "that the effect of such restoration would be good." But this restoration should be the voluntary act of those who received the subscriptions, and not the result of an official order on appeal. There could not probably be a greater security against misconception of the nature of the payment, than public avowal that the gift might be taken back, any time before the actual expenditure of the money on the designed object, or the appropriation of it so that it could not be refunded. There is good reason to believe that few if any would thus publicly take back money which they had once professed to give freely. The open return of his money to Kishore Sah could not but be beneficial, but it must be on the ground that he had changed his mind, not on the false plea that the money had been officially and illegally extorted. If he withdraws his charge, and consents to receive it on this understanding, the local authorities, there can be little doubt, will return it.

I am, &c.,

J. Thornton,

Secretary to Government, N. W. P.

SUBSCRIPTIONS FOR PUBLIC PURPOSES.

No. 1739 of 1850.

To W. Muir, Esquire,
Secretary to the Sudder Board of Revenue,
North Western Provinces,
Dated, Head Quarters, the 8th June, 1850.

SIR,

REVENUE DEPARTMENT, No. 62. I am desired to acknowledge the receipt of your letter, dated May 7th last, regarding the issue of Circular Orders warning public Officers against using their official influence in collecting subscriptions for public purposes.

2. The Lieutenant-Governor has given his more serious consideration to this suggestion of the Board, because he is aware that it is prompted by the very best motives,—a desire to protect the people from oppression, and to prevent the abusive exercise of legal power. These are certainly most desirable objects, and their attainment should be sought by all practicable methods which are not attended with counterbalancing evils. In themselves they need no recommendation or enforcement. It is against acts which have a contrary tendency that public and official warning is necessary.

3. In order to warrant the issue of such general and public warning, it is necessary that the act which is deprecated should be precise in its nature, of extensive prevalence, and noxious in its tendency. If such is its character, there can be no hesitation about the necessity for a public circular prohibition. It may be well to examine by this test the measure which is recommended by the Board.

4. By official influence is generally understood the power of persuasion possessed by men in Office. Understood in this its common acceptation, the use of official influence in the collection of subscriptions is not objectionable, supposing the purpose contemplated to be in itself good and laudable. Those high in Office are bound by the strongest obligations to use their influence for the promotion of praise-worthy objects. When a man, in Office himself, heads a subscription list of this nature, recom-

mends to others to contribute to the same object, and employs his servants or his friends and dependants in collecting the money subscribed, he beneficially exerts his influence. Our own country rejoices in innumerable instances of this from the Monarch on the throne to the Squire and Justice of the peace in a country village. Whatever be the motives of those who respond to such calls, no one questions the propriety of the action. It may be that a servile and timid people are more swayed than our own fellow-countrymen by motives of vanity or self-interest; but that is a moral defect in the character, which no Circular Orders can remove. Its correction will keep pace with the progress of the people in intelligence, but will not be promoted by removing all scope for the exercise of the opposite virtues.

5. Every public Officer is undoubtedly deserving of severe punishment, who unduly favours those who respond to calls of this nature, or who visits with punishment or official displeasure those who refuse him their co-operation. Partiality and injustice need at all times to be vigorously repressed, whatever be their promoting causes. It is possible to conceive that a well-principled and conscientious man may be led by his ardour in the pursuit of some evidently beneficial object to lose sight of the limits of a just moderation. But the Lieutenant-Governor cannot at present call to mind any instance where official influence has been thus abused. There is certainly no proof of it in the Shahjehanpore case, which gave rise to the present correspondence. It seems unwise to direct a general and public warning against an abuse of power that is only possible and hypothetical.

6. Much as the Lieutenant-Governor admires the noble and self-denying spirit which is sometimes displayed by our Civil Officers in the promotion of works of public utility, he sees reason to apprehend that the want of this spirit is more often to be deplored than its redundancy. The absence of personal interest in such works, the depressing influence of climate, the small effect of public opinion, too often prevent any exhibition of a spirit which, in a country like this, is more than any other beneficial. The people will exert themselves for the public good

in proportion as they find their rulers zealous to assist them. There is nothing more gratifying than to observe the numerous instances in which, with undoubting confidence, the rich as well as the poor, the powerful and influential as well as the weak and the timid, place money in the hands of British Officers, in order that, through their skill and care and fidelity, some work of public benefit may be constructed. The Lieutenant-Governor cannot bring himself to send forth any Circular which might discourage the efforts of such Officers, or tend in any way to weaken their hands. They are our pride and our boast. Their names will long be remembered in the localities which they adorn, when the remembrance of their less energetic and more timidly scrupulous brethren may have passed away.

7. It is therefore much to be apprehended that any general circular instructions of the nature recommended would be liable to misconstruction. Zealous public servants would feel disheartened,—the idle and remiss would rejoice in an excuse for their inaction,—the more generous and public spirited citizens would fear the imputation of unworthy motives in their generosity,—the avaricious and mean-spirited would be glad to shelter themselves under the shadow of high authority. It will be better to meet individual instances, as they arise, with such comments as the particular features of the case may call for. The Board have pursued the proper course in forwarding to the authorities at Shahjehanpore the remarks elicited by the occurrences there. The Lieut.-Governor will always feel grateful to them for bringing to his notice instances of misconduct or indiscretion which may anywhere arise, and he will be prepared to reprobate and condemn any abuse of office influence which may be brought to light.

I am, &c.

J. THORNTON,

Secretary to Government, N. W. P.

MUTATION IN MALGOOZAREE REGISTER ZILLAH SHAHJEHANPORE.

No.

To W. Muir, Esquire,
Secretary to the Sudder Board of Revenue,
North Western Provinces, Agra.
Dated, Head Quarters, 22d July, 1850.

SIR,

REVENUE DEPARTMENT. No. 254.

I am directed to acknowledge the receipt of your letter, No. 259, dated 7th ultimo, with enclosures relative to a case of mutation in the Malgoozaree Register which has occurred in Zillah Shahjehanpoor.

2. The Lieut.-Governor is glad the Board have brought forward this case not simply with reference to the question of Registration, but also with regard to the general policy, of holding malgoozars to their engagements against their will.

3. The Lieut.-Governor concurs with the Board that the transfer ought to have been immediately registered, whether the estate was in balance or otherwise, or whatever were the motives which prompted the transaction. The sale was complete and binding by the avowed act of the parties, whether registered or not. It was useless to enquire whether any or what price was paid, or whether the transferee was a pauper or a man of substance. The perfect liberty to transfer their landed property "*to whomsoever they may think proper,*" without applying to Government for its sanction, solemnly notified to the proprietors of land in Section 35, Regulation XXV. 1803, is the very keystone of the Revenue system in these provinces. The act of registry by the Collector has nothing whatever to do with the legal completeness of the sale. Immediately the sale was completed, the seller became free from all personal liability, on account of the estate, for debts contracted after the transfer. He acted openly and rightly in notifying the sale to the Collector, but such notification was not necessary to the validity of the sale. If the transferee had not notified the sale, he would, on discovery of the fact, have been liable to fine for the omission, under Section 41,

Regulation XLII. 1803, but that would have been the only effect.

4. It is very true that this is a device by which wealthy men divest themselves of landed property, which they do not find it profitable to retain. But this is no objection. If property is valueless, the sooner it comes into the possession of the State the better for all parties. It is worthless, either because it is over-assessed, or because the owner has not the means of making it profitable. In both cases Government are the most competent to apply the remedy, either by reducing the assessment, or by supplying the necessary capital and skill for the improvement of the property. It may be that the proprietor is desirous to try an experiment, to risk something for the improvement of the estate, but not thereby to endanger his whole property. He makes a fictitious transfer, and then embarks fearlessly on his experiment.

5. The real objection to the transaction lies in its fictitious and collusive character, but in fact, if the purpose be honest, the device is unnecessary. Any proprietor, who possesses an unprofitable estate, can rid himself of it by allowing a balance to accumulate on it, and then by paying up what may remain due, after the estate has been sold by public auction. If this were generally known, probably the practice would be discontinued.

6. The whole subject, however, of the fictitious (benamee) holding of landed property is one which demands close attention. The practice prevails to a great extent in the Banda district, and is the result there of the over-assessment and misgovernment to which that district has been subjected in past times. It is understood that a late decision of a Civil Court in that or a neighbouring district, which has upheld the right of a fictitious owner against that of the actual holder, has caused much alarm, and will tend to put a stop to the practice, the great excuse for which has, it is hoped, now ceased.

7. The Board's Circular Order of July 30th, 1847, which directs the formation of lists of estates, which it is desirable should be brought to sale at once without prior resort to any other process, has removed many of the objections which it may be supposed that men of rank or capital entertained to holding land in their own names.

8. It might then probably tend to discountenance the fictitious (benamee) holding of property, if an explanatory notice were issued to the landholders conveying to them an assurance of the course which Government would pursue in such cases. The draft of such a notification is annexed to this letter, but before it is adopted, the Lieutenant Governor would wish to receive the Board's sentiments on the subject, and would wish to know what the most intelligent Revenue Officers, in those districts where benamee holdings are common, think would be the effect of the notification.

9. With reference to the remarks of the Senior Member in the 6th para. of your letter, and indeed to the Collector of Shajehanpoor's opinion in his letter of April 19th, I am desired to observe, that the name of the person, in apparent and acknowledged (i. e. avowed by the possessor) proprietary possession is to be entered in the register (vide page 187) of Directions for Collectors. Now, in this case, supposing the seller to have remained in possession, he declared that he was not proprietor, and therefore his name could not be shown as such. If however being in undoubted possession, he acknowledged himself proprietor, he should be registered as such, whatever objections any other persons might make to the legality of his possession. Evidently a change of proprietary possession may take place, although the manager remains the same. If however there be a change of management, i. e. of the apparent possession, it rests with the possessor to declare what his title is. When, being in possession, he declares himself proprietor, neither the objection of another party, nor the refusal of the Collector to register him as such, can prevent him from exercising all the rights of a Proprietor.

10. The enclosures of your letter are herewith returned, copies being taken for record.

I am, &c.

J. Thornton.

Secretary to Government, N. W. P.

NOTIFICATION.

It has been brought to the notice of Government that, in some districts, property in land is held under false names. There is much evil attendant on this practice. The tenure of land is rendered insecure, and therefore the value of the land is deteriorated; the real proprietors avoid those obligations and responsibilities which the possession of land necessarily brings with it; and a system of fraud and imposture is encouraged. It may be impossible to prevent the existence of this practice to a certain extent; but the Government is desirous to remove all inducement thereto arising out of its own rules, especially those which are in force for the collection of land revenue.

Persons of character and capital sometimes shrink from recording themselves the proprietors of their own lands, for fear lest they should be made liable in their persons, or in their personal property, for some accidental default. To prevent any risk of this, the Board in their Circular letter of July 30th, 1847 directed the formation in each district of a list of estates, which it was desirable to bring to sale immediately on the occurrence of an arrear, without having resort to any other process. Any person possessing an entire mehal, by having it entered on this list, may free himself from liability to dustuks, &c., unless the value of the mehal should prove insufficient for the liquidation of the arrear.

It may happen that persons, who hold unprofitable mehals, are fearful lest their valuable estates should be made responsible for that which is worthless. The Government, however, has no wish that any person should retain an unprofitable mehal against his will. It is always in his power to divest himself of such a mehal, on paying up the balance which may be due upon it. This may be effected by allowing a balance to accumulate on the mehal, and then by paying up what remains due, after it has been sold by public auction. No proprietor need shrink from avowing this to be his object, and thus securing the countenance of the Collector in its attainment. The Government is prepared to

become the legal transferee of all estates that may be thus proved to have lost their value in the market.

By order, &c.,

J. THORNTON,

Secretary to Government, N. W. P.

ROORKEE INSTRUMENT SCHEME.

No. 398, A.

To the Military Board,

Calcutta.

Dated, Head Quarters, 29th July, 1850.

GENTLEMEN,

GENERAL DEPARTMENT. It is evidently of importance that every exertion should now be made to organize the means of rapidly and effectively prosecuting the public works which are acknowledged to be essential to the prosperity of the country. Much will be required for completing and perfecting the works in these Provinces as well as for executing new undertakings there, and it is difficult to place any limits to the requirements of the Punjab in this respect.

2. Peculiar facilities exist at Roorkee for promoting these undertakings. It is only necessary that the public establishments be complete in themselves, and that every thing be there provided, which will be essential to the successful prosecution of great undertakings. If the College at Roorkee fulfil the expectations that are entertained of it, well educated officers of all grades will thence be furnished, competent to execute any works that may be required of them. It has occurred to the Lieutenant Governor that advantage might also be taken of the facilities which exist there, for the custody and manufacture of instruments useful to the surveyor and Civil Engineer.

3. A small store of theodolites and spirit levels, and other instruments in common use, made in England by the best makers, and on the most approved patterns, might always be kept there, and held available for the public service in any part of the country. The stock should not be large, as improvements

are constantly taking place in them. The instruments ordinarily furnished to the Government, and which are deposited in the several magazines of the country, are seldom such as can be used where any accuracy is required. It would be necessary that the instruments at Roorkee be ordered out by a responsible person, and that they be always kept in an efficient state. The really good and valuable instruments from the magazines might be sent there for safer custody.

4. There are several instruments of the simpler construction, which can be well made in India, if good patterns and skilful workmanship are procured. Such are perambulators, tripod stands, levelling staves, and chains. Peculiar facilities evidently will be found at Roorkee for making up articles of this description. To them might probably be added instruments adapted for the rough ascertainment of certain facts, in so cheap a form as to be brought within the reach of native workmen, such are plane tables for the measurement of horizontal angles, quadrants for measuring vertical angles, water or T levels for levelling. Here would be large scope for ingenuity in popularizing the material for scientific research. Those who know what a good map of a village a native Ameen can form, simply by the aid of a common rope, will not despise the results which may be attained by the aid of simple instruments.

5. The most useful part, however, of such an establishment would be that designed for the repair of instruments. A very efficient establishment is known to exist for this purpose in Calcutta. But much time is lost and risk incurred in sending instruments thither from the North Western Provinces. The wants of this part of the country seem to be sufficient to warrant the maintenance here of a similar establishment. Its operations would be peculiarly valuable, when conducted in the immediate proximity and under the observation of the students in Roorkee College.

6. These then are the three objects to be kept in view.

First.—The formation of a depôt of efficient instruments obtained from Europe for the ordinary purposes of surveying.

Secondly.—The manufacture of the simpler instruments and articles, which can be readily made in this country.

Thirdly.—The repair of all instruments wherever constructed.

7. For these purposes it will be necessary to erect a suitable building, and to have a small establishment of properly qualified persons. Your Board are requested to state your views on this suggestion; and, in the event of your thinking it worthy of adoption, you will be pleased to state the nature of the building, and of the establishment, which will be requisite. The experience in this respect already attained in Calcutta will no doubt be found useful in the consideration of the project.

8. The Lieutenant-Governor has already been privately in correspondence with Lieutenant-Colonel P. T. Cautley, Director of the Ganges Canal, and Lieutenant R. Maclagan, Principal of the Roorkee College, on the subject, and believes that the scheme meets their approbation. A copy of this letter will now be sent to each of those officers, in order that they may be the better prepared to furnish your Board, with any information that you may require of them.

I have the honour to be, &c.

J. THORNTON,

Secretary to Government, N. W. P.